Providence, R. I., opposing the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, protesting against striking out the word "sex" in the statehood bill—to the Committee on the Territories.

Also, petition of the First Baptist Church of Newport, R. I., in favor of constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the New England Shoe and Leather Association, of Boston, Mass., favoring the bill to increase the powers of the Interstate Commerce Commission—to the Committeee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Central Falls, R. I., protesting against striking out the word "sex" in statehood bill—to the Committee on the Territories.

Also, petition of Providence Division, No. 57, Brotherhood of Locomotive Engineers, of Providence, R. I., favoring bill H. R. 13354—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of J. W. Conway and 7 other citizens of Elma, Iowa, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: Petition of business men and producers of Ottumwa, Iowa, urging passage of bill H. R. 13778, known as the "Hearst interstate-commerce bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition urging the passage of bill H. R. 13778, known as the "Hearst bill," by citizens of Portland, Oreg.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEDGE: Petition of citizens of Oklahoma, for saloon exclusion—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILDEBRANT: Petition favoring the Hepburn-Dolliver bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Elizabeth Jackson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition for the relief of James Batten—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Memorial praying for the extension of the Alaskan Government cable from Valdez to Dutch Harbor and Kiska Island and from Juneau to Ketchikan—to the Committee on Military Affairs.

By Mr. JACKSON of Ohio: Papers relating to the removal of charge of desertion and obtaining pension for Samuel Zellner—to the Committee on Invalid Pensions.

Also, papers relating to pension for Richard M. Johnson, Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers relating to pension increase for Daniel Hartsough—to the Committee on Invalid Pensions.

Also, papers accompanying application of Mrs. Roberta R. Havelick, for special pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Papers to accompany application for pension for Gertrude A. Harding—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Papers to accompany bill H. R. 17056, granting a pension to Sarah H. Willhite—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17054, granting a pension to R. Burchfield—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16394, granting a pension to Sarah C. Johnson—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17052, for the relief of Brian B. Tulley—to the Committee on Invalid Pensions.

By Mr. MACON: Petition for an increase of pension for Benjamin F. Bibb—to the Committee on Pensions.

Also, petition for an increase of pension for Mrs. L. B. Jackson—to the Committee on Pensions.

By Mr. MAHON: Petition of First Baptist Church of Lewistown, Pa., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McLACHLAN: Petition of W. E. Stevens et al., of Carpenteria, Cal., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of New Haven, Mich., in favor of the Hearst bill, enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill H. R. 15748, to increase pension of Evan R. Young—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Robert D. Embrey, of Fauquier County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Petition of the Ladies' Missionary Society of the Essex Street Baptist Church, of Lynn, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of C. B. Cushing, of Chelsea, Mass., in favor of constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Union League Club of New York, in relation to tariff revision—to the Committee on Ways and Means.

Also, petition of the Buffalo Lumber Exchange, favoring enlargement of the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Petition of Miami Division of Brotherhood of Locomotive Engineers, for relief of engineers on Government roads in the civil war—to the Committee on Invalid Pensions.

Also, papers in support of bill H. R. 13065, increasing the pension of James Hay—to the Committee on Invalid Pensions.

Also, petition in support of bill H. R. 13065, increasing the pension of James Hay—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: Petition for the enactment of legislation to amend and legalize the customs-drawback law as expressed in the Lovering bill—to the Committee on Ways and Means.

By Mr. WANGER: Petition of the Montgomery County (Pa.) Medical Society, favoring the bill to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

By Mr. WARNOCK: Petition of Clinton Duncan & Co. et al., citizens of Ostrander, Ohio, in favor of increasing the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Papers to accompany bill H. R. 16265, for the relief of Margaret Stevens—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of D. C. Boyd et al., of San Jose, Cal., favoring legislation prohibiting opium in the Philippines—to the Committee on Ways and Means.

Also, protest against construction of the proposed bridge at Carquinez Straits, California—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of San Francisco, Cal., favoring the improvement of the harbor of Honolulu, Hawaii—to the Committee on Rivers and Harbors.

Also, petition of the Michigan Sugar Manufacturers' Association, against legislation reducing duty on either raw or refined sugar—to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 6, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

ENDOWMENT OF AGRICULTURAL COLLEGES.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements of the fiscal year ended June 30, 1904, made to the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act approved July 2, 1862," and an act approved August 30, 1890; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

REPORT OF THE ATTORNEY-GENERAL.

The PRESIDING OFFICER laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1904; which was referred to the Committee on the Judiciary, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of Pennsylvania and Rhode Island; which, with the accompanying papers, were ordered to be filed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILWAY COMPANY.

The PRESIDING OFFICER laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator and Railway Company, of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants' Association of New York City, and a petition of the American Conference on International Arbitration, of New York City, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Angelica, Poplar Ridge, and Reed Corners, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Republican Club of New York City, praying for the enactment of legislation to reduce the excessive representation from the affected States in Congress and the electoral colleges; which was referred to the Committee on the Census.

He also presented memorials of sundry citizens of New York City and Binghamton, in the State of New York, and of the Sugar Manufacturers' Association of Saginaw, Mich., remonstrating against any reduction of the tariff on sugar, tobacco, cigars, etc., imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented a petition of the committee on political reform of the Union League Club, of New York City, praying that an investigation be made of the conditions of manufacture as affected by the present tariff law; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Clyde, Rose, Seneca Falls, Elk Creek, and Buffalo, of the Chamber of Commerce of Utica, and of the Chamber of Commerce of Albany, all in the State of New York, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Jefferson Division, No. 154, Brotherhood of Locomotive Engineers, of Howell, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a memorial of the congregation of the First Methodist Episcopal Church of Petoskey, Mich., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of the Michigan Woman's Christian Temperance Union, of the Woman's Christian Temperance Union of Detroit, of the Woman's Christian Temperance Union of Shelby, and of W. L. Griffin, of Shelby, all in the State of Michigan, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pittsford, Detroit, Lansing, Armada, Big Rapids, and Hillsdale, all in the State of Michigan; of Harbor Springs Grange, No. 730, Patrons of Husbandry, of Harbor Springs; of Wilson Grange, Patrons of Husbandry, of East Jordan; of Woodman Grange, No. 610, Patrons of Husbandry, of Gobleville; of Inland Grange, No. 503, Patrons of Husbandry, of Benzie County; of Fremont Grange, No. 831, Patrons of Husbandry, of Saginaw County; of Grass Lake Grange, No. 925, Patrons of Husbandry, of Antrim County; of Crystal Grange, No. 441, Patrons of Husbandry, of Crystal; of Keene Grange, No. 270, Patrons of Husbandry, of Lowell; of Danby Grange, Patrons of Husbandry, of Portland; of Moscow Grange, No. 108, Patrons of Husbandry, of Hanover; of the Farmers' Club of Owosso; of the Overisel Creamery Company, of Allegan County, and of the faculty of the Agricultural College of Michigan, all in the State of Michigan, remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented memorials of the Woman's Christian Temperance Union of the Tenth Congressional district, of sundry citizens of Birmingham, of the State Woman's Christian Temperance Union, of the congregation of the Methodist Episcopal Church of Ishpeming, and of James M. Wells, of Petoskey, all in the State of Michigan, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Portsmouth, Sunfield, Grand Lodge, Owosso, Allegan County, and of the Banner Mercantile Company, of Saginaw, all in the State of Michigan, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Plymouth; of the Ladies' Club of Coleman; of the Ladies of the Grand Army of the Republic, Department of Michigan, of Benton Harbor; of the Century Club of Detroit; of Greenville Hive, No. 201, Ladies of the Order of the Maccabees, of Greenville; of the Federation of Woman's Clubs of Grand Rapids; of the Woman's Christian Temperance Union of Livingston County; of the Woman's Christian Temperance Union of West Bay City; of the Woman's Christian Temperance Union of Hart; of the Woman's Union Label League of Bay City; of the Woman's Club of Owosso; of Parker Hive, No. 114, Ladies of the Maccabees, of Stanton; of the New Century Club of Detroit; of the East Side Ladies' Literary Club, of Grand Rapids; of the Political Equality Club of Saginaw; of the Woman's Christian Temperance Union of Penn; of the Woman's Christian Temperance Union of Escanaba; of the Woman's Civic League of Grand Rapids; of the Century Club of Charlotte; of the Equal Suffrage Association of Bay City; of the Ladies' Literary Club of Grand Rapids; of the Ladies of the Grand Army of the Republic, Department of Michigan, of St. Joseph; of the congregation of the Fountain Street Baptist Church, of Grand Rapids; of the Civic League of Grand Rapids; of the Central Trades Council of Bay City, and of the Chautauqua Alumni of Benton Harbor, all in the State of Michigan, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Eastbank, W. Va., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. McCOMAS presented a petition of the Bar Association of Montgomery County, Md., and a petition of the Chamber of Commerce of Baltimore, Md., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Travelers and Merchants' Association of Baltimore, Md., and a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Yearly Meeting of the Religious Society of Friends of Maryland, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Union of Middletown, Md., praying for the enactment of legislation providing for Federal control in the Territory of Oklahoma when admitted to statehood, and remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Hartford County, Baltimore, Whiteford, Oakland, Sandy Spring, and Forest Hill, all in the State of Maryland, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to simplify the laws in relation to the collection of the revenues; which was referred to the Committee on Finance.

Mr. KNOX presented a petition of the Oakland Board of Trade, of Pittsburg, Pa., praying for the enactment of legislation to improve the condition of the Monongahela and Ohio rivers in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Patriotic Order, Sons of America, praying for the enactment of legislation providing for more stringent laws and regulations governing immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Subdivision No. 43, Brotherhood of Locomotive Engineers of Pennsylvania, praying for the enactment of legislation prohibiting the employment of locomotive engineers who have not at least had three years' experience; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Quaker City Metallic Bedstead Company, of Philadelphia, Pa., praying for the enactment of legislation providing for untaxed denaturalized alcohol for use in the arts and manufactures; which was referred to the Committee on Finance.

He also presented a petition of the Merchants and Manufac-

turers' Association of Pittsburg, Pa., praying for the enactment of legislation for the establishment of a system of pneumatic tubes for the transmission of mail in the cities of Pittsburg and Allegheny, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the C. H. Squier & Son Co., of Pittsburg, Pa., and a petition of W. J. Koch & Co., of Philadelphia, Pa., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Hauenstein & Co., of Lincoln; the Johns-Brash Cigar Company, of McSherrystown; the Cigar Manufacturers' Association of Pittsburg; H. R. Stierheim, of Millvale; H. K. Stork & Co., of Adamstown; D. J. Rex & Co., of Pittsburg; Samuel Smith & Son, of Allegheny; S. R. Moss, of Lancaster; the Imperial Cigar Company, of Lancaster; the Banner Cigar Company, of Lancaster, and the La Union Cigar Company, of Hanover, all in the State of Pennsylvania, remonstrating against any reduction in the tariff on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented petitions of R. D. Wood & Co., of Philadelphia; the Baldwin Locomotive Works, of Philadelphia; the Hess-Bright Manufacturing Company, of Philadelphia; the Stow Flexible Shaft Company, of Philadelphia; the Hoopes & Townsend Co., of Philadelphia; the Pittsburg Shovel Company, of Pittsburg; of John Lucas & Co., of Philadelphia; the Empire Chain Company, of Pittsburg; of William Sellers & Co., of Philadelphia; the Flannery Blot Company, of Pittsburg; the Crescent Manufacturing Company, of Scottdale; the National Malleable Castings Company, of Sharon; of McConway & Torley Co., of Pittsburg; the Carnegie Steel Company, of Pittsburg; the Pittsburg Spring and Steel Company, of Pittsburg, all in the State of Pennsylvania, and of the Westinghouse Air Brake Company, of New York, praying for the enactment of legislation to permit the use of Government ground near the Department of Agriculture for a railway appliance exhibition; which were referred to the Committee on the District of Columbia.

He also presented memorials of D. L. Albright, of Milton; O. E. Bunnell, of Honesdale; R. W. Fitzwater, of Canton; H. P. Bunnell, of Meshoppen; Mount Chestnut Grange, No. 133, of Butler County; Mount Joy Grange, No. 584, of Clearfield County; H. F. Harer, of Linden; M. J. Murray, of Overton; Richland Grange, No. 1208, of Richland Center; Scandia Grange, No. 1042, of Scandia; E. G. Wiesuer, of Stines Corner; J. A. Grove, of Bucknell; C. L. Longsdorf, of Floradale; D. W. Hartman, of Richland Center; F. P. Blakeslee, of Blakeslee; Hayfield Grange, No. 800, of Crawford County; Friendship Grange, No. 1018, of Uniondale; Farmers' Union, of Geigers Mills; Martin L. Dunkle, of Lewisburg; B. F. Tyson, of Belfry; C. S. Bates, Dyberry; London Grove Grange, of Chester County; Granville Grange, No. 257, of Canton; Oriental Grange, No. 165, of Lake Winola; Richland Grange, No. 1206, of Richland Center; Highland Grange, No. 980, Highland Lake; Lamar Grange, No. 274, of Salona; Franklin Grange, No. 998, Springtown; J. H. Dawson, of Butler; August Drugler, of Butler; Alva McDowell, of Butler; Clarence A. Post, of Butler; W. D. McCandless, of Butler; John L. Miller, of Butler; O. J. McCandless, of Butler; J. V. Bonnert, of Rasselas; O. W. Abbey, of Turtle Creek; S. C. McClintock, of Corydon; E. R. Lyphrit, of Reynoldsville; John C. Clark, of Butler; George H. Wirt, of Montalto; Shiloh Grange, No. 927, of West Auburn; J. W. Poust, of Hughesville; Sparta Grange, No. 110, of Spartanburg; A. M. Baker, of Gradyville; A. S. Kirsch, of Nicktown; Eva K. Preston, of Solebury; Banner Grange, No. 1115, of Cambria County; R. G. Abbey, of Hanlinton; North Bingham Grange, No. 1194, of North Bingham; Clarion County Pomona Grange, No. 27, of Clarion County; Susquehanna Grange, No. 1145, of Curwensville; Kennett Grange, No. 19, of Chester County; W. E. Sawyer, of Wrights; J. B. Colcord, of Port Allegany; J. C. Gording, of Port Allegany; C. L. Goodwin, of Sutton Creek; E. E. Pownall, of Richboro; W. A. Crawford, of Cooperstown; Valley Grange, No. 1184, of Danville; John Davis, of Patton; Charles Bingoon, of Patton; Leatherwood Grange, No. 625, of Clarion County; J. F. Boice, of Jamestown; Creamery Association Eastern Pennsylvania, of Philadelphia; W. O. Beach, of Cambridge Springs; E. E. Jeffords and sundry other citizens of Erie County; Sebring Grange, No. 1047, of Tioga County; W. H. Tyrrell, of Rome; W. A. Sibley, of North Orwell; Harrison Eberhart, of Butler; Jerry A. Eberhart, of Butler; A. A. Snyder, of Meeker; Elk Lake Grange, No. 806, of Susquehanna County; Josiah Shrever, of Union City; Henry C. Demming, of Harrisburg; Pomona Grange, No. 26, of Crawford County; Brandywine Grange, No. 60, West Chester; N. P. Wilson of Woodland; J. E. Hildebrant, of Lehman; George Baner, of Butler; J. M. Raisley, of Butler; H. C. Stark, of West Nicholson; C. W. Slocum, of Leraysville; D. L. Myers, of Linden; Sullivan Grange, No. 84, Sullivan; Wellsboro Grange, No. 1009, of Wellsboro; M. M. Naginey, of Milroy; C. W. Koontz, of Bedford; Union City Grange, No. 9, of Union City; John L. Pierce, of Warren; Exchange Grange, No. 65, of Exchange; W. A. Hoyt, of Guys Mills; L. T. Ahlum, of Richland Center; Black Ash Grange, No. 212, of Crawford County; French Creek Grange, No. 595, Cochranton; C. E. Childs, of Guys Mills; Fairfield Grange, No. 1157, of Fairfield; Clark D. Heath, of Burlington; E. D. Schnure, of Milton; Pomona Grange, No. 29, of Clinton County; P. M. Cutshall, of Guys Mills; A. S. Stevens, of Towanda; H. C. Spencer, of Towanda; F. L. Rockwell, of Powell; A. W. Rockwell, of Powell; Charles E. Graham, of Lawrenceville; J. B. Smith, of Somers Lane; S. W. Spencer, of Genesee; R. E. Grove, of Genesee; John Hart, of Kinney; Henry M. Landis, of Quakertown; F. M. Baldwin, of Meshoppen; West Nicholson Grange, No. 321, of West Nicholson; C. M. Shern, of Union City; P. S. Bowman, of Hanover; Jacob A. Myers, of Muncy Valley; C. J. Secules, of Muncy Valley; George Crawley, of Muncy Valley; William G. Taylor, of Muncy Valley; Shiloh Grange, No. 927, of West Auburn; G. A. Willard, of West Auburn; Jason Sexton, of North Wales; F. T. Fassett, of Meshoppen; C. E. Thomas, of Nelson; F. A. Burdick and others, of Smethport; Greenbrier Grange, No. 1148, of Greenbrier; Poplar Run Grange, No. 1137, of Poplar Run; Laurel Mill Grange, No. 1161, of Milan; California Grange, No. 941, of Milton; C. W. Mascho, of Westfield; D. Plank, of Westfield; F. A. Ackby, of Westfield; Washington Grange, No. 157, of State College; Colley Grange, No. 365, of Colley; B. H. Creveling, of Bloomsburg; W. J. Beidleman, of Bloomsburg; John D. Neff, of Linden; I. A. Esehbach, of Milton; L. D. Woodfill, of Smithfield; G. W. Bowser, of Osterburg; Lewis B. Zaner, of Dushore; Herman R. Jacoby, of Satterfield; Charles M. Yonkin, of Dushore; Columbia Grange, No. 83, of Bradford County; Rundells Grange, of Conneautville; Sandy Lake Grange, No. 393, of Sandy Lake; Springfield Grange, No. 1257, of West Springfield; O. J. Cropp, of Meadville; A. B. Wilson, of Saegertown; R. H. Buck, of Westfield; West Grove Farmers' Club, of Toughkenamon; C. S. Dreibeldis, of Shoemakersville; Lewis M. Hagerty, of Water Street; Osterburg Grange, No. 737, of Osterburg; William T. Creasy, of Catawissa; Covington Grange, of Moscow; L. B. Henson, of Coatesville; Columbus Grange, of Columbus; P. M. Sharples, of West Chester; W. M. Baldwin, of Jackson Valley; A. G. Decker, of Maple Hill; Philip Hartman, of Richland Center; Edward K. Bohn, of Robesonia; Justitia Grange, No. 434, of Lewisburg; William J. Erdley, of Lewisburg; David Wurster, of Linden; W. H. Smith, of Townsville; Frank H. Taylor, of Reedsville; Myron R. Tunstall, of Warren; C. J. Barney, of Warren; William H. Yont, of Osterburg; John Grundis, of Warren; R. W. Horton, of Union City; Franklin Grange, No. 1169, of Smoch; John A. Cuppett, of New Paris; Martin L. Frey, of Martins Creek; Russellville Grange, No. 91, of Chester County; R. J. Moyer, of White Deer; H. Weed, of East Smithfield; Elkland Grange, No. 976, of Estella; Greenfield Grange, No. 226, of Erie County; George H. Bird, of East Smithfield; V. R. Nicholas, of East Smithfield; R. W. Child, of East Smithfield; Wellsboro Grange, No. 1009, of Wellsboro; Center Grange, No. 229, of Tioga County; Monroe Grange, No. 641, of Wyoming County; Pomona Grange, No. 8, of Montgomery County; Troy Grange, No. 182, of Troy; Richmond Grange, of Bradford County; Jefferson Grange, No. 314, of Washington County; Harts Log Valley Grange, No. 375, of Huntingdon County; Pineville Grange, No. 507, of Bucks County; Oakland Grange, No. 281, of Venango County; Goshen Grange, No. 623, of Clearfield County; Southampton Farmers' Club, Trevose; Bennetts Branch Grange, No. 1174, of Elk County; Summit Grange, No. 1155, of Elk County; Ganusarago Grange, No. 27, of Hughesville; W. H. Kelly, of New Bethlehem; J. A. Firth, of Sugargrove; J. H. Cyphers, of East Stroudsburg; H. J. Seely, Beach Haven; P. C. Sharbaugh, Carrolltown; Thomas Coulston, of Genesee, and John H. Hooverm, of Patton, all in the State of Pennsylvania, remonstrating against the repeal of the present oleomargine law; which were referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE presented petitions of sundry citizens of Muncie, Hartford, and Winchester, all in the State of Indiana, praying for the enactment of legislation providing for the holding of terms of the Federal courts at Muncie, in that State; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hanna, Ind., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a memorial of the Woman's Christian Temperance Union of Columbia, Wash., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also (for Mr. FOSTER of Washington) presented a petition of the Woman's Christian Temperance Union of Columbia, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

TEMPERANCE CONDITIONS IN THE ARMY AND NAVY.

Mr. GALLINGER. I present a brief paper concerning temperance conditions in the United States Army and Navy. I ask that the paper be printed as a document, and that 10,000 additional copies be printed for the use of the document room of the Senate.

There being no objection, the order was made as follows:

Ordered, That 10,000 additional copies of Senate Doc. No. —, relating to "Temperance Conditions in the United States Army and Navy," be printed for the use of the Senate document room.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6337) for the establishment of subports of entry at Rouses Point and Malone, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6338) for the relief of the heirs and legal representatives of George S. Simon; and

A bill (S. 6339) for the relief of the heirs and legal representatives of Asahel Bliss.

Mr. FULTON introduced a bill (S. 6340) to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6341) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6342) to amend an act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6343) to amend section 604 of chapter 18, entitled "Corporations," of the Code of Laws for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6344) granting an increase of pension to Richard B. Dickinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 6345) for the appointment of an additional United States commissioner and constable in the northern judicial district of the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BALL introduced a bill (S. 6346) granting an increase of pension to Benjamin F. Sheppard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6347) to refer to the Court of Claims the claim of L. K. Scott; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6348) granting an increase of pension to Richard Edmund Hyde; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 6349) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NELSON introduced a bill (S. 6350) granting an increase of pension to Thomas Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6351) granting an increase of pension to Martin T. Cross; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 6352) for the relief of James Broiles; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6353) for the relief of George A. McKenzie, alias William A. Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. PATTERSON) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6354) granting an increase of pension to Pierce McKeogh;

A bill (S. 6355) granting an increase of pension to Michael McDonald;

A bill (S. 6356) granting an increase of pension to Walter J. Jones;

A bill (S. 6357) granting an increase of pension to Alvan P. Granger (with accompanying papers);

A bill (S. 6358) granting an increase of pension to Theodore W. Gates (with an accompanying paper);

A bill (S. 6359) granting an increase of pension to Edgar L. Patton (with accompanying papers); and

A bill (S. 6360) granting an increase of pension to Joel R. Smith.

Mr. TELLER (by request) introduced a bill (S. 6361) to authorize the construction of a public railway for the transportation of the mails, troops, and munitions of war of the United States, and to aid in the regulation of interstate commerce; which was read twice by its title, and, with the accompanying brief, referred to the Committee on Railroads.

Mr. ALDRICH introduced a bill (S. 6362) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6363) granting an increase of pension to Alice A. Arms;

A bill (S. 6364) granting an increase of pension to Catharine Seymour;

A bill (S. 6365) granting a pension to Jane Rivers; and

A bill (S. 6366) granting a pension to Cynthia L. Allen.

Mr. ALDRICH introduced a bill (S. 6367) to remove the charge of desertion from the naval record of Peter O'Neill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 6369) for the relief of John T. Spence, or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6370) for the relief of Thomas Johnson, or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6371) to confirm title to lot 5 in square south of square No. 990 in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. NEWLANDS introduced a bill (S. 6372) regulating the compensation of the collector of customs for the district of Georgetown, in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

AMENDMENTS TO STATEHOOD BILL.

Mr. GALLINGER submitted sundry amendments intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table, and be printed.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. I ask unanimous consent to call up for consideration the bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore

granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Foreign Relations with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. I understand that the Senator from Oregon [Mr. FULTON] called up this bill. The people of his section of the country are very anxious about it, and I think the bill is entirely right and just. I should like to have the Senator make a statement about it, and if there is objection then, in view of the absence of the Senator from Alabama [Mr. MORGAN], I would ask that it may go over until he can be present.

Mr. FORAKER. Will the Senator from Oregon allow me to say just one word?

Mr. FULTON. I yield to the Senator from Ohio.

Mr. FORAKER. I understand that the Senator from Alabama [Mr. MORGAN] is very anxious to have the Senate pass the bill. I will say, for the benefit of the Senator from Illinois, that it is the desire of the Senator from Alabama that we do not wait for him.

Mr. FULTON. I am informed it is a fact that the Senator from Alabama is anxious that the bill shall be passed. Of course I would not have called the bill up otherwise. The Senator from Alabama did not make that statement to me, but I understand he made the statement to the Senaor from California now occupying the chair.

Mr. President, if I may be permitted, I will briefly state the purpose of the bill. At the time the United States was asserting jurisdiction over that portion of the waters of Bering Sea within the boundaries of Alaska our Government sought to exclude pelagic sealing in those waters and arrested and confiscated a large number of vessels, some under the British flag and some under the flag of the United States.

England contested the jurisdiction of the United States, and it was finally decided by the international commission appointed to determine the question of jurisdiction that the United States was without jurisdiction over those waters beyond the 3-mile limit. As a result the United States was compelled to pay the British subjects for the vessels seized belonging to them.

Russia in the meantime had seized many vessels of the United States. The United States Government presented a claim to Russia for repayment to her citizens, and Russia paid the citizens of the United States whose vessels she had seized and confiscated.

The only owners of vessels left who have not been compensated are our own citizens whose vessels were seized by this Government Mr. Don M. Dickinson, who was the counsel for the United States before the commission selected to determine the amount of the claims of British subjects, which commission sat at Vancouver, British Columbia, made a report which is published in the report of the Committee on Foreign Relations upon the bill. He states that when the claims were presented by the British subjects they amounted to $1,289,000. He was absolutely without any testimony to reduce the amount of those claims, although he knew that they were in excess of the value of the vessels. As a result he appealed to American sealers whose own vessles had been seized and confiscated, and they furnished him with testimony by which he reduced the amount of the claims of the British sealers from $1,289,000 to $467,000. He said that these men went over there and gave this testimony even at the peril of their lives, because the sentiment was very strong against them.

The Senator from Alabama [Mr. MORGAN] made the report from the Committee on Foreign Relations, in which he very earnestly urges the passage of this bill. I have called it up because on the Pacific coast there is a strong sentiment in favor of the enactment of the bill, as many of their people have suffered by reason of these seizures and because I understand the senior Senator from Alabama [Mr. MORGAN] is anxious that it shall be passed; but I, of course, will not insist on it at this time if objection be made. I have made this statement in order that the Senate may understand the merits and equities of the bill.

Mr. SPOONER. I should like to make an inquiry of the Senator from Oregon. What exigency is there in this litigation, if any, which requires that an act of Congress shall make competent as evidence documents which otherwise would not be competent in courts of the United States?

Mr. FULTON. To what part of the bill does the Senator refer?

Mr. SPOONER. The bill provides:

That in considering the merits of claims presented to the court hereunder any evidence, affidavits, reports of officers, and such other papers as are now on file in the Departments of the Government of the United States shall be considered by the court as competent evidence.

Mr. FULTON. I have not gone into the details in that respect. The bill was before the Committee on Foreign Relations and they seemed to think that a proper provision and so reported it. I have not examined into the character of the testimony to find what proof this would afford. As to that I do not know.

Mr. SPOONER. That provision would render competent possibly a great many affidavits against the Government when there would be no opportunity to cross-examine witnesses.

Mr. FULTON. The court would take them for only what they were worth. These claims are to be presented to a judicial tribunal.

Mr. SPOONER. They would not be worth anything——

Mr. FULTON. Then the court would not consider them.

Mr. SPOONER. They would not be worth anything in court except for this provision.

Mr. FULTON. They would be admissible with this provision, but they might not have much influence with the court. It simply allows them to be presented. I do not pretend to know how many of those affidavits there are, or what is their character, but this very competent committee investigated it and reported the bill with that provision.

Mr. SPOONER. I am on that committee, and so——

Mr. FULTON. That is the reason particularly why I said it was a very competent committee.

Mr. SPOONER. The Senator admits that it was a competent committee?

Mr. FULTON. I can prove that.

The PRESIDING OFFICER. The Chair understands that objection is made to the bill, and under Rule VIII it will go over.

Mr. FORAKER. I do not understand that anyone objected.

The PRESIDING OFFICER. The senior Senator from Illinois [Mr. CULLOM] objected.

Mr. FORAKER. He simply called attention to the absence of the Senator from Alabama [Mr. MORGAN].

Mr. CULLOM. Mr. President, I desire to be set right on that point. At the time I objected I was not aware that the Senator from Alabama had expressed any desire that the bill should be taken up in his absence, and feeling that he perhaps knew more about the details of the whole measure than anyone else, I thought it would be unfair to him to take it up and consider it now, when perhaps if he were here he might be of great value to the Senate in the understanding of the bill itself. If there is no other objection to the consideration of the bill now, I am sure I shall not stand in the way in the light of what has been said in reference to the wish of the Senator from Alabama.

The PRESIDING OFFICER. The objection being withdrawn, the bill is before the Senate as in Committee of the Whole.

Mr. FORAKER. Mr. President, I wish to say that the bill is brought up now, as I understand it, at the request of the Senator from Alabama. I received a message from him at the hands of the senior Senator from California, who had received a letter from him asking me to assist in taking the matter up. I think it is such a measure that if anything is to be done with it in the Senate it ought to be passed without any further delay.

This measure was well considered, I think I can say, in the Committee on Foreign Relations. There is a report filed here, showing the usual care the Senator from Alabama takes in regard to such matters, and that report expresses, I understand, the opinion entertained by the committee as a whole at the time the bill was under consideration.

The Senator from Wisconsin raised a question about the provision as to evidence. That provision might be stricken out. It was thought it might be objectionable, but the committee did not object to it, as the report of the bill with that provision in it shows. The provision is simply that all documentary evidence on file in the State Department may be allowed to be introduced as evidence and be given such weight as the court may deem it entitled to receive. If it is incompetent evidence I do not suppose the court would give it much weight. All I can say as to the views of the Senator from Alabama in regard to the report of the committee on that provision is to quote

from the report. He refers to that provision in the last paragraph of his report, as follows:

The rulings of the commission of 1896, that made the awards in favor of British subjects, are worthy of consideration by the circuit court as to the measure of damages and the proper scope of inquiry as to the right of compensation to be considered by the court, lest the committee doubt the propriety of adopting them by act of Congress, and recommend the amendment of the bill as to that and some other features that do not materially affect the equitable and just right of the claimants to the relief they seek.

It is really done, as suggested by the Senator from Massachusetts [Mr. LODGE] who sits just in front of me, to protect our own Government, in order that the court may have the benefit of all the documents placed on file. I think the suggestion made in the committee originally, when we left that provision in the bill, was that by it the court might have the benefit of whatever was filed in the State Department in helping them to reach a just conclusion.

Mr. SPOONER. I suppose these are affidavits by the parties as to the value of vessels, and all that.

Mr. LODGE. As to the value of the British ships.

Mr. FORAKER. No claim was ever made as to the American ships.

Mr. LODGE. There has been no evidence introduced about American ships. Without this evidence introduced about the British ships that testimony would not be before the court, as I understand it.

Mr. FORAKER. The official proceeding or investigation at Victoria was as to the amount of damages this Government should pay to the British claimants because of the wrongful seizure, and all this testimony relates to that seizure and to the value of ships of that character.

Mr. SPOONER. Does the Senator from Ohio know that?

Mr. FORAKER. I know that was the statement before the committee, and I know there was no law authorizing any American to make a claim. No American has ever been allowed to make a claim to the State Department or any other Department for the seizure of his ship under the order. The reason for that, I understand, is that our Government, taking the position that that was a closed sea, held it to be a violation of our statute as to pelagic sealing to take seal anywhere within the sea, outside of the 3-mile limit or within the 3-mile limit; and because it was held to be a violation of a statute on that account, treating it as a closed sea, they were never allowed to make any claim, and they never have made any claim.

They are to be allowed now simply to go into a court of the United States and by presenting a petition there set up their claims. They have to prove it by competent testimony. This provision was thought necessary by the committee. I had forgotten the exact reason for it; it was a long time ago when we considered this measure; but the Senator from Massachusetts has suggested it. It was thought by the committee to be entirely proper that these documentary evidences on the general subjects should be available for the court for whatever they might be worth.

Mr. CULLOM. I remember distinctly the statement was made in the committee that the court ought to have the right to look at these documents in the State Department in order that the Government itself might be protected as far as possible.

Mr. SPOONER. Let the bill go over for the present.

Mr. FORAKER. While I am on this subject, if the Senator from Wisconsin will allow me to call attention to it, it is stated in the report that the claims of citizens of the United States have never been presented before any tribunal.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Objection being made to the consideration of the bill, it will go over.

Mr. LODGE. I hope objection will not be made.

Mr. SPOONER. I think there is no question whatever about the merits of this bill. I think we should give our citizens the opportunity to go into the courts of the United States to make their proofs of loss and that we should provide for the payment of such judgments as may be rendered by the courts, but I think the interest of the Government ought to be properly safeguarded. I have been advised of no good reason thus far why, in this proposed act, which is drawn for the benefit of claimants, Congress should make competent as evidence affidavits, reports, and things of that kind which would not otherwise be evidence. These claimants would have a right under this bill to introduce as evidence affidavits, etc.

Mr. FULTON. Will the Senator from Wisconsin allow me to make a suggestion to him?

Mr. SPOONER. Certainly.

Mr. FULTON. Why not eliminate that portion of the bill?

Mr. SPOONER. That is what I want to eliminate.

Mr. FULTON. Unless the bill is promptly passed it will not pass at this session of Congress, and American citizens who have sustained such losses will not get the benefit of its provisions. I think we can correct this. I understand the Senator from Wisconsin desires only to have proper evidence considered. Why not amend the language by saying "that it may be considered so far as it may furnish evidence against the claimant, but not in support of the claims?"

Mr. SPOONER. Then the early part of the section and the latter part would be inconsistent with each other.

Mr. FORAKER. No; we eliminate that, of course. Section 6, on page 5, might be amended so as to read, "shall be considered by the court in so far as it may be considered competent;" and stop there.

Mr. SPOONER. I have not the slightest objection to that.

Mr. FULTON. I see no objection to saying that it be considered, so far as it may furnish evidence against the claimant.

Mr. SPOONER. Would that be fair?

Mr. FULTON. They can furnish their own testimony, I suppose.

Mr. SPOONER. The Government ought to meet their testimony by evidence.

Mr. FORAKER. I move to amend that section by inserting in line 17, after the word "court," the words "in so far as the same may be;" so as to read, "in so far as the same may be considered competent evidence;" striking out the word "as."

The PRESIDING OFFICER. The Chair understands that objection has been made to the further consideration of the bill.

Mr. SPOONER. I do not wish to delay this bill unless Senators insist upon making affidavits purely ex parte of parties who may be dead or beyond reach of cross-examination competent evidence. I am not in favor in a bill of this character or any other, where we give the right to sue in the Federal courts, of providing that evidence which is not common law evidence and would not be admissible against the Government shall be by statute made so.

The PRESIDING OFFICER. If objection be withdrawn, the bill will be considered as before the Senate as in Committee of the Whole, and the amendments reported by the committee will be stated.

Mr. SPOONER. We are considering it now, if the Chair will permit me.

Mr. PETTUS. I think objection was made by the Senator from Georgia [Mr. BACON] to the consideration of the bill.

Mr. BACON. No; the Senator is mistaken about that.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] objected; and if the objection is not withdrawn, the bill, under Rule VIII, will go over.

Mr. FORAKER. I understand the Senator from Wisconsin does not object to the consideration of the bill if it be amended as he suggests.

Mr. SPOONER. No; I do not.

Mr. PETTUS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill has gone over.

CAPT. ARCHIBALD W. BUTT.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Capt. Archibald W. Butt, quartermaster, United States Army, $480, the amount stolen from the United States in Manila, P. I., by an employee of the quartermaster's department, by name José B. Luciano, Capt. Archibald W. Butt having fully paid the sum to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. PETTUS. I desire to give notice that the senior Senator from Alabama [Mr. MORGAN] desires to be heard upon the regular order of business, the statehood bill, on Monday next, when that bill is taken up.

THOMAS C. SWEENEY.

Mr. SCOTT. I ask unanimous consent for the consideration at this time of the bill (S. 4260) for the relief of Thomas C. Sweeney.

Mr. LODGE. Mr. President, has morning business closed?

The PRESIDING OFFICER. The morning business has closed, and the Chair announced that the Senate would proceed with the consideration of the Calendar under Rule VIII.

Mr. LODGE. I shall not interfere with this bill, but after it shall have been disposed of I shall ask for the regular order.

The PRESIDING OFFICER. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill.

Mr. LODGE. Is there a report in that case, Mr. President?

Mr. SCOTT. There is; but it is quite a lengthy report. If the Senator will allow me, I think I can explain the purport of the bill in a minute.

The claim has been before the Senate and before the Court of Claims and has been allowed by the Court of Claims. The amount of money due Mr. Sweeney is $10,040, and if interest were allowed it would be much more. That amount the Court of Claims allowed him; but I have succeeded in getting Mr. Sweeney to agree to settle the claim for $5,000. For that reason the bill was put in the form in which it now appears. The Secretary read it as being for $10,040, but there is an amendment reducing the amount to $5,000. The Senator from Nevada [Mr. STEWART] will say that it was a mistake in putting in the amount at $10,040.

The PRESIDING OFFICER. The Chair is informed that there is an amendment reported by the Committee on Claims to the bill. Is there objection to the present consideration of the bill?

Mr. LODGE. The bill is not even here, Mr. President.

Mr. SCOTT. I think the bill is here, Mr. President, and the Senator can have the report read if he desires.

Mr. LODGE. I think the bill is not here.

Mr. SCOTT. The bill has heretofore been before the Senate and the House of Representatives and passed. It has also been before the Court of Claims and has been allowed by that court.

Mr. LODGE. My point is simply that the bill was reported yesterday and has not yet been received from the printer.

The PRESIDING OFFICER. The Chair is informed that there is a copy of the bill at the desk.

Mr. SCOTT. My reason for asking for the immediate consideration of the bill is that I may get it incorporated in the omnibus claims bill, which was reported by the Senator from Wyoming [Mr. WARREN]. This bill has been hanging for years. It is a just bill, and, as I have said, has been passed upon by the Court of Claims. I am sorry that any Senator should object to the very reasonable consideration here proposed.

Mr. LODGE. Mr. President, I do not object to the consideration of the bill; but I want to know something about it, even if I have to ask for the reading of the report.

Mr. WARREN. Mr. President, I would say that this claim would have been included in the omnibus claims bill except for the rule which requires that that bill shall only include such matters as have already passed one or the other or both Houses. This bill would be eligible, if it should pass the Senate at this time, to be placed on the omnibus claims bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "ten thousand and forty" and insert "five thousand."

The amendment was agreed to.

Mr. ALLISON. Now, Mr. President, let the bill be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That there be paid to Thomas C. Sweeney, of Wheeling, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPERTY LOST IN MILITARY SERVICE.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 3828) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States, which has heretofore been passed over on the Calendar.

Mr. LODGE. That, I understand, is a bill which was passed over when heretofore reached on the Calendar, and I shall not, therefore, include it in my objection.

The PRESIDING OFFICER. The Chair is so informed. The bill will be read for the information of the Senate, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been lost or destroyed in the military service since the 21st day of April, 1898, without fault or negligence on the part of said officers and men, and the reimbursement of which is not provided for by any existing law; and the amount of such loss or destruction so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full compensation for all such loss or destruction: *Provided*, That any claim which shall be presented and acted on under the authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That the liability of the Government under this act shall be limited to such personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or enlisted man while engaged in the public service, in the line of duty; but such liability shall not include property lost by theft, or destroyed by use, or lost in action, or horses which died from natural causes, or the property of officers left for their own convenience in buildings owned or hired by the Government: *And provided further*, That all claims within the scope of this act shall be presented within two years from the passage of this act, and that all such claims filed thereafter shall be forever barred.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I desire to ask the Senator having the bill in charge if it is intended only to reach cases where losses have already occurred or is it to be a continuing act?

Mr. PROCTOR. It is not a continuing act, as I interpret it, but I am perfectly willing to have it amended by inserting the word "heretofore."

Mr. ALLISON. I think, for safety, that word should be inserted.

Mr. PROCTOR. I move to amend the bill on page 1, line 7, by inserting the word "heretofore" after the word "has."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. PROCTOR].

Mr. PROCTOR. Mr. President——

Mr. ALLISON. If I may interrupt the Senator, I think the words which already appear in the bill will accomplish the purpose I had in mind. I did not notice them at first.

Mr. PROCTOR. I think so, too, and I therefore withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ALLISON. The only object I had, Mr. President, was to guard against this bill being a permanent statute.

Mr. PROCTOR. The only claim, Mr. President, which I know of that has arisen is in regard to property lost in the Galveston flood. The Comptroller ruled that the present statute of March 3, 1885, which covers cases of property lost by fire, although fire is not specified, did not apply to the case intended to be reached by this bill. I think the existing statute would bear the interpretation that it would cover even the Galveston flood case, but the Comptroller decided against it. So far as I know that is the only case which has arisen.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASHTABULA HARBOR, OHIO.

Mr. LODGE. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The first bill on the Calendar will be stated.

The bill (S. 4161) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that of the money appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, in the act approved June 13, 1902, entitled "An act making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so much as may, in the discretion of the Secretary of War, be deemed desirable may be expended in the extension of the west breakwater.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING EXPERIMENT STATIONS.

The PRESIDING OFFICER. The Chair will state that the Secretary read the second bill on the Calendar instead of the first.

Mr. LODGE. The first bill ought to go over. I object to it.

The PRESIDING OFFICER. The Chair is informed that Calendar No. 793, being the bill (S. 271) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, went over, but it does not so appear on the printed Calendar.

Mr. TELLER. Mr. President, what was done with Senate bill 271?

The PRESIDING OFFICER. The Chair is informed that it went over when the Calendar was last under consideration, and,

by error, it is printed in the Calendar to-day at the head of the list.

Mr. TELLER. I am glad to know what has happened, because we did not know anything about it over here. It was impossible to hear what was being said.

OBSOLETE ORDNANCE AND ORDNANCE STORES.

The bill (S. 4378) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to issue such obsolete ordnance and ordnance stores as may be avilable to State and Territorial educational institutions for purposes of drill and instruction of students.

Mr. TELLER. Mr. President, I should like to have the chairman of the committee who reported this bill tell us what kind of stores the bill refers to. I could not catch the information from the reading of the bill.

Mr. PROCTOR. I would ask, Mr. President, as perhaps the shortest answer to that, to have read the letter of Secretary Root as it appears in the report of the committee. It is very brief.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, December 23, 1903.

SIR: I have the honor to transmit herewith a General Staff report relating to the issue of obsolete ordnance and ordnance stores for the use of State and Territorial educational institutions and recommending legislation upon lines which, for greater convenience, have been thrown into the form of a draft bill. The recommendation of the General Staff has my hearty approval, and I hope that it will receive the favorable consideration of Congress. The United States has now begun the manufacture of the new service rifle, model of 1903. It has in the hands of regular troops 111,764; in the hands of the organized militia, 96,353, and in reserve, 227,824 (total, 435,941) service rifles and carbines, all models (1896, 1898, 1899), commonly known as the Krag-Jörgensen. It has also on hand available for issue 101,190 of the old Springfields (rifles, model 1879, 23,620; model 1884, 62,350; model 1888, 11,187; carbines, 4,033), besides about 50,000 not yet turned in from the militia and a number in the hands of the Philippine Scouts.

We have not yet enough of newer models to consider the Springfields obsolete, but they will soon become so, and in the meantime several thousand of older models on hand can be used under the proposed legislation for the purpose of military training in the schools of the country other than those to which details of military officers are made. Such training will be of material value, and I have no question that the proposed use of the old rifles will be of much greater military value than keeping them in store or selling them for the trifling price which could be realized.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF GEORGE W. SOULE.

The bill (S. 559) for the relief of the legal representatives of George W. Soule was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that this bill has already been read.

Mr. COCKRELL. Let it be read again.

Mr. ALLISON. I suggest that the bill be again read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, which had been reported by the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of $31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of $31,500 being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims, of every description whatever, on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,500 for the purposes specified in this act.

Mr. TELLER. If there is a report in this case, I should like to have it read.

Mr. ALLISON. I ask that the bill may go over.

The PRESIDING OFFICER. Objection being made, the bill will go over under the rule, without prejudice.

Mr. TELLER. Mr. President——

Mr. ALLISON. Does the Senator from Colorado desire to have the report read?

Mr. TELLER. I wish to ask the Senator from Iowa if he will not withdraw his objection. Here is an old claim; it is very old; it has been before the committee again and again; and I think if the report is read the bill will probably go through without any objection.

Mr. LODGE. The report is a very long one.

Mr. TELLER. It has been a long time since the Government took this man's property——

Mr. GALLINGER. That is right; half a century.

Mr. TELLER. More than fifty years; and more than one committee has declared that he was entitled to remuneration. I do not desire to discuss the bill, if it is objected to, but it seems to me the fact that the report is a long one ought not to make any difference.

Mr. LODGE. I have no objection to the bill. I think it ought to pass.

Mr. TELLER. If the objection is——

Mr. ALLISON. I do not know whether it should pass or not. It seems to be a very old claim, and it struck me that if it has waited fifty years, it might wait a day or two longer. That is the reason why I objected; but if it is so pressing, I will withdraw my objection temporarily that the Senator from Colorado may explain the bill.

Mr. TELLER. I could not explain from memory the exact details in this case, but I remember it was before the Committee on Claims again and again. If the report is read, I believe it will be satisfactory. If the Senator from Iowa is not then satisfied, he can object.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report, submitted by Mr. BURNHAM February 18, 1904, as follows:

The Committee on Claims, to whom was referred the bill (S. 559) for the relief of the legal representatives of George W. Soule, have given the same a careful consideration and beg leave to submit the following report:

The material facts upon which this claim is based have been shown by statements under oath and by letters and other evidence specifically referred to.

George W. Soule, of whose last will and testament Ephraim Hunt and Julia M. Hunt are the executors, was in 1850 a citizen of New York in good circumstances and of high standing in his business and social relations. Early in 1851 he went to San Francisco, Cal., and was one of the pioneers in that locality. Large tracts of land within the limits of that city, partly above the high-water mark of the bay of San Francisco and partly between high and low water mark, were then unoccupied. The title to much of this land was unknown and was not ascertained until some years after, when it was determined by legislation and the decisions of the courts.

Many of the early settlers took possession of this land without a title and erected thereon houses and business blocks, and thus laid the foundations of a part of the city. In no other way could the city have been so rapidly built up. To have waited until titles could be ascertained and secured would have resulted in long delay and a hindrance to the growth of the city.

The possessory rights thus obtained were generally confirmed, and the payments, if any were made, were only nominal.

By an ordinance known as the Van Ness ordinance, approved June 20, 1855, and thereafter duly ratified, the city of San Francisco gave full title to those who had such rights. The material parts of this ordinance were as follows:

"SEC. 2. The city of San Francisco hereby relinquishes and grants all the right and claim of the city to the lands within the corporate limits to the parties in the actual possession thereof, by themselves or tenants, on or before the 1st day of January, A. D. 1855, and to their heirs and assigns forever * * * *Provided*, Such possession has been continued up to the time of the introduction of this ordinance in the common council; or, if interrupted by an intruder or trespasser, has been or may be recovered by legal process."

Mr. Soule took possession early in 1851 of one of these unoccupied lots of land. It was a lot 275 feet square and was bounded north by Jackson street, east by Battery street, south by Washington street, and west by Sansome street.

Much the greater part of this lot, but probably not all of it, was tideland between high and low watermark.

In June, July, and August, 1851, Mr. Soule erected on the easterly side of this lot six stores, fronting for a distance of 125 feet on Jackson street, at an expense of $31,500.

While erecting these stores, or soon after their completion, in the same year, he obtained an alcalde grant, as it was called, and also sundry other conveyances in the usual form from different grantors for different parts of said real estate, but it does not appear that any of these grantors other than the alcalde had a title to any of the land which their deeds purported to convey, or any authority to make such conveyances. Mr. Soule states that the parties from whom he received these deeds said they owned the property, and he gives that as the reason for his obtaining these conveyances.

Mr. Soule continued in undisturbed and peaceable possession of this property and collected the rents from his six stores, which amounted to $1,800 a month, until he was dispossessed as hereinafter stated. He held all the title he was then able to secure, and his possession and rights were no different from those of all others who claimed and possessed land in that vicinity.

He occupied this land and erected his six stores thereon in good faith and with a reasonable expectation that what was wanting in his title he would be able to secure whenever it was ascertained and determined by the courts or by legislation who were in fact the legal owners of the land.

He paid taxes to the city of San Francisco, doubtless assessed on

account of this lot, and the city in this way recognized his interest in the property.

Mr. Soule was in the full enjoyment of his property and of the rents derived therefrom, with no one, so far as he knew, claiming a better title, when in the month of September, 1852, he was ousted by the Government of the United States. The facts relating to this seizure by the Government are stated, as follows, in the opinion of the Court of Claims filed June 6, 1892, when, this claim having been presented and heard, it was determined that the court had no jurisdiction:

"III. That in the month of September, 1852, T. Butler King, at that time collector of customs at the port of San Francisco, notified the claimant that the Government of the United States, by its proper officers, had decided to erect a custom-house on said premises and, without apparent authority, demanded of claimant the possession of said premises and improvements; that thereupon claimant refused to deliver possession of said premises so demanded, whereupon said King, collector as aforesaid, notified the claimant that he would take possession of said premises and improvements and at the same time advised and counseled said claimant to deliver to him, said King, collector as aforesaid, under protest, the possession of said premises and sue the collector; that Congress had appropriated and would appropriate money to pay property owners for property taken upon which to erect a custom-house, and thereupon the said claimant delivered to said King, collector as aforesaid, a protest of some kind in writing, and without removing or attempting to remove said stores he had erected thereon, yielded possession of said premises."

It appears from the finding and from other evidence that Mr. Soule, relying upon the advice and counsel of the collector, a high Government official, and upon the statement that Congress had appropriated and would appropriate money to pay property owners for property taken upon which to erect a custom-house, yielded up to this collector possession of the entire lot of land and the buildings he had erected thereon.

Thus the Government, through its collector of customs, without the shadow of a claim to this property, without legal proceedings of condemnation, and without compensation of any kind, compelled him to surrender the possession of this property.

It is true that Mr. Soule might have refused to deliver up possession to the Government, but he relied, as other men would under the same circumstances, upon the assurances of this Government official.

He filed a protest in writing, as advised, and doubtless believed that out of the money which the collector informed him had been or would be appropriated by Congress for this purpose he would be fully compensated.

This property was taken by the Government for its own use as a site for a custom-house, and not by the State of California or the city of San Francisco, and so this claim is made against the Government.

The custom-house was erected upon the lot of land which had been, as above stated, in the possession of Mr. Soule and has remained there to this date. His buildings were taken down and removed by the Government and he was thus deprived of land, the title to which in all probability would have been confirmed to him, and of buildings from which he was then deriving a very substantial income.

The Government had no legal title whatever to this land until two years after, on the 5th of September, 1854, when it obtained a deed from the State of California—a deed which conveyed the use of this land as a site for a custom-house—with a reversion to the State whenever it ceased to be used for that purpose. The full title, so far as the State could give a title, was not obtained by the United States until a second deed was given by the State on the 1st day of May, 1868.

The Government, while neglecting to make any provision for payment to Mr. Soule, did recognize and admit the existence of these possessory rights by the act of August 4, 1854. (10 Stat. L., 559.) By that act $10,000 was appropriated for the extinguishment of two private claims to the possession of a small part of the Soule land. These two claimants, Lyons and Hastings, could have had no greater right or better title than Soule, yet the Government paid to each of them the sum of $5,000. Neither had made any improvements on their water lots nor was either in possession of any part of the Soule lot when Soule commenced his occupation and the erection of his buildings.

The facts in regard to this payment by the Government are stated in the following letter from the Acting Secretary of the Treasury, Hon. O. L. Spaulding, to Hon. Henry W. Blair, dated February 19, 1902:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 19, 1902.

SIR: In reply to your letter of the 24th ultimo, relative to any payments made to individuals in connection with the custom-house site in San Francisco, I have the honor to advise you as follows:

By the act of August 4, 1854 (10 Stat. L., p. 559), the sum of $10,000 was appropriated for the extinguishment of private claims to the possession of the custom-house lot in San Francisco, and the Auditor for the Treasury Department, to whom the matter was referred for report as to the disbursement of the above-named sum, reports, under date of February 18, 1902, as follows:

The $10,000 in question was disbursed as follows: $5,000 was paid to Henry A. Lyons for relinquishment of all his right, title, and interest in and to water lot No. 78, and $5,000 was paid to S. C. Hastings for relinquishment of all his right, title, and interest in and to water lot No. 79. The two lots in question formed part of the block on which the custom-house at San Francisco, Cal., was then (1854) being built. Deeds to said lots were recorded in the office of the recorder of San Francisco County, sent to this Office November 14, 1854, and transmitted to the First Comptroller December 11, 1854.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

Hon. HENRY W. BLAIR,
213 East Capitol Street, Washington, D. C.

A claim for damages amounting to $133,200 was presented to the Forty-eighth Congress, which claim included the cost of the buildings—$31,500—and the title of the land on which the same were standing. An adverse report from the Committee on Claims of the House was submitted at that time.

A letter from the Secretary of the Treasury, dated February 28, 1884, annexed as a part of that report, states that no reference to Mr. Soule's claim is found in the accounts, records, or correspondence of the Department.

The House report seems to have been based on the fact that Mr. Soule did not prove any title to the premises.

This claim was again presented to the House of Representatives in the Forty-ninth Congress, but no action was taken from the fact that during that Congress an act was passed giving enlarged jurisdiction to the Court of Claims, and it was believed by the claimant that, under its increased powers, the court would have jurisdiction of his claim. In due time the claim was presented to the court, which, after a hearing in the case, known as No. 15702, returned a finding of facts June 6, 1892, but decided, as a conclusion of law upon those facts, that it had no jurisdiction of the claimant's action. The petition was accordingly dismissed.

This conclusion was upon the ground that the action was not based upon a contract, but was an action sounding in tort, and therefore not within the jurisdiction of the court.

An appeal was taken, but was not prosecuted on account of the inability of the claimant's executors, the claimant having previously died, to provide the means and procure the evidence for its further prosecution.

There were no other proceedings in this matter until a bill was presented to the Fifty-seventh Congress, but no action was taken in that Congress. In the present Congress bills have been presented both in the Senate and House in favor of the claimants.

The Government at the time it took possession of Soule's land and buildings had no title whatever and no right, by condemnation proceedings or otherwise, to oust Soule from his possession. He was until then in the undisturbed occupation of this land and the buildings he had erected thereon. For sixteen months he had held possession and his right to continue peaceable occupation was good except against one who had a better title. This superior right the Government did not have.

The advantage to the Government by its ejection of Mr. Soule was very considerable. It obtained immediate possession and avoided the expense and delay of legal proceedings. It also secured the property for much less than its real value.

It was decided by the courts that the State of California held the title to tide lands between high and low water mark. A considerable part, but perhaps not all, of the Soule land was between these marks, and when, two years after the Government took possession of this land, it was decided to purchase this tide land from the State, agents agreed upon by both parties reported the value of the land to be $300,000. The Government paid the State, upon the grant of the use and occupation of this land, as above stated, September 5, 1854, only the sum of $150,000. At a subsequent date, May 1, 1868, the Government paid the State another $150,000 for all the right, title, and interest of the State in and to the land in question. In the meantime the property had greatly increased in value and the total amount paid by the Government was much less than the real value of the property.

The loss to Mr. Soule by this eviction on the part of the Government was very large in amount, and the consequences of this action were ruinous to the financial interests of the claimant and his family.

Directly he lost the full amount of the cost of his buildings, which, by conclusive evidence, is shown to have been $31,500. In addition he lost the rents of the buildings, which at that time amounted to $21,600 a year. If he had remained in possession of these buildings during the two years between the taking by the Government and its securing a title from the State on the 5th of September, 1854, he would have received from that source of income $43,200.

If the Government had taken the usual means of securing title to the property under the right of eminent domain there would have been the long delays incident to such proceedings, and during that time Mr. Soule would have been in possession, and in all probability would have received a large amount from the rentals of these buildings; and if he had not been dispossessed by the Government he would have been, so far as his interests in this property were concerned, in no different position from that of a large number who took possession of land in San Francisco, as he did, and whose titles were confirmed to them by the Van Ness ordinance.

The loss to him on this account may be said to be conjectural; but no reason is suggested why he, if undisturbed by the Government, would not have shared in the benefits of this confirmation of title, as did many and perhaps all others who had taken possession of land, as he did, in that new and rapidly growing city. The amount of damages he thus sustained would be difficult to estimate; but some impression may be gained from the amount actually paid by the Government for the title of the State.

The committee has considered the question of delay in the prosecution of this claim.

It has been judicially settled by the decision of the Court of Claims above referred to that there has never been any remedy for Mr. Soule except through action of Congress.

It appears from the letter of Ephraim Hunt, one of the executors of his will, to Hon. Henry W. Blair, dated November 30, 1902, a copy of which is hereto annexed and marked "Exhibit A," that soon after the Government seized his property Mr. Soule was prostrated by a severe illness and was carried on a stretcher aboard a steamer which brought him home. Some time in 1853, against the advice of his physician, he returned to look after his affairs and remained until January, 1855. Again he suffered from illness and for several years his health was completely broken.

In the meantime his witnesses had gone, a change of administration had brought into office a new collector and other new officials, and a little later the former collector, Mr. King, died.

In December, 1852, Mr. Soule put all the papers relating to this property, including his deeds and a copy of the protest delivered to Collector King, into the hands of Mr. James E. Wainwright, and when he returned, in 1853, he learned that Mr. Wainwright had gone to Japan and was dead. Mr. Soule was never able to find any of these papers.

Some time during the sixties he began to search for his witnesses, but he was still in poor health and but little, if anything, was accomplished.

The civil war and the difficulties to be overcome, arising in part from the long distance across the continent and the expense and delay of communication before the building of a transcontinental railroad, his continued ill health, and want of means may account for his not prosecuting the claim during a considerable period after the loss of his property.

He had become impoverished, and from 1872 until his death was in the care of Mr. and Mrs. Hunt, the executors, either in their own home or elsewhere.

It appears from a letter written by Mr. Hunt to Hon. Henry W. Blair, dated November 23, 1903, a copy of which is hereto annexed and marked Exhbit B, that it was not until the seventies that he had succeeded in getting together some of the papers to establish his claim.

He was, then, as this letter states, "sick again, to death's door, given over by the doctors, pronounced incurable." His disease would naturally result, as therein stated, in his being "completely broken in health and spirit."

He, however, partially recovered and, in 1881, secured the assistance of counsel and presented his claim to Congress.

The effort to secure favorable action upon this claim appears to have been continuous from that time up to the date of the decision of the Court of Claims, June 6, 1892.

An appeal was taken from this decision, but was not prosecuted from lack of means. Mr. Soule had died before the decision was filed, the papers were again lost through no fault of the executors; two agents, or attorneys, upon whom they relied, one in Washington, D. C., and another in Lebanon, N. H., had died, and the executors were without means. They afterwards were enabled to secure other assistance, and presented their claim to the Fifty-seventh Congress.

The facts last stated appear in a letter from Mr. Hunt to Hon. Henry W. Blair, dated January 2, 1903, a copy of which is hereto annexed, and marked "Exhibit C."

The committee finds, under the circumstances that have appeared in this case, that there have not been such laches or neglect on the part of Mr. Soule or his executors as to justify a denial of the claim upon that ground.

The State of California owned the tideland, as above stated, and conveyed that part of the land in question to the Government, but it is claimed by the counsel for Mr. and Mrs. Hunt that a strip of land bordering on Jackson street was above high-water mark and that this strip was never conveyed to the Government, but now belongs of right to the heirs of Mr. Soule under his alcalde grant.

The bill as amended provides that the payment of the sum hereinafter named shall be in full discharge of all claims against the United States of any description in favor of said Soule, his heirs and legal representatives.

In view of the possible claim that might be made to a part of the land in question and in view of the great advantage the Government has derived from its unauthorized act in taking possession of the property and of the great and irreparable loss to Mr. Soule, his heirs, and legal representatives, occasioned by this act, the committee has found that the claimants should be paid the sum of $31,500.

The taking of this property by the Government without legal right, the great equities in the case in favor of the claimants, and the serious results to the claimant and his family, by which they have become impoverished and deprived of the means of more seasonably prosecuting their claim, would seem to justify the payment of a much larger amount than is allowed by the amended bill.

The committee, however, after a careful consideration of the evidence and of all the circumstances surrounding the claim, have concluded to eliminate all that part of the claim which might be regarded as uncertain or too remote, and have allowed only the amount that has been clearly established as the cost of the buildings which the Government took from Mr. Soule and destroyed, and for which no compensation was ever made.

The committee therefore recommend the passage of the bill when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of $31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of $31,500 being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims of every description whatever on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

"SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,500 for the purposes specified in this act."

EXHIBIT A.

GRAFTON CENTER, N. H., *November 30, 1902.*

MY DEAR SIR: Mr. Soule went to California late in 1849 and was an importer direct from the producers of French wines and brandies.

That is why he had to do with T. Butler King, collector of the port, and whom he had previously known. He had prospered, and, having erected his stores on unoccupied land, supposed he had all the rights of "the squatter," and, with his rents and his own business, was on the high road to great wealth, as he supposed.

But when the Government seized his stores, reduced in strength from a robust health, he was prostrated by the loss of his income, and, given over by the doctors, was carried on a stretcher hastily aboard a steamer just ready to sail, without "bag or baggage."

His sickness extended far into 1853, but, improving somewhat, he ventured to return to look after his affairs against the advice of doctors and friends. He remained until January, 1855, having been absent one year and three months, or thereabouts.

Ill health and great anxiety about his unsettled affairs in San Francisco brought back his illness, complicated with diseases incident to change of climate and crossing the Isthmus, and his health was completely broken for several years.

His other business affairs and the scattering of all his tenants to the four quarters of the globe made it impossible to touch his claim against the Government. As he thought that was so just and clear a case, he attended as far as he was able to his other affairs.

Meantime his own baggage, left at San Francisco, and also Collector King's, had both gone astray to Honolulu or Australia, or nobody ever knew where.

Mr. King's death about the same time still further embarrassed the case, and it was not until the sixties that he rallied enough to begin the search for his witnesses (tenants), who were speculators—here to-day and in Australia or China to-morrow. The seizure of the stores had scattered them.

He started to recover his claim from the Government before he had recovered his health and finances. During his long sickness my wife's property sustained himself and family.

From 1872 until his death they were in our care, either in our own house or in a rent provided by us.

All through his life he had the most abiding faith that the Government would finally do him justice and pay him for the stores and land.

And on the last day of his life he said to my wife: "I shall not get it, but you will—it is yours, and you deserve it."

I can say no more and only this, because it was so well known to members of the family.

Yours, truly,

E. HUNT.

Hon. H. W. BLAIR.

If you and Mr. Currier think best for Mrs. Hunt to go to Washington, she might be able to get enough or half enough to start.

E. H.

EXHIBIT B.

UNION VILLAGE, VT., *November 23, 1903.*

DEAR SIR: Am in receipt of yours of the 18th. I should like, of course, to come to Washington, but absolutely have no money to enable me to do so.

Have income of barely 65 cents a day for five (5) persons.

In your clear statement of the case you have relied upon the "argumentum ad judiciam." That is right. As to the age of the claim, some two or three years ago Congress allowed a claim for "property destroyed" one hundred and one years before to the very remote heirs of George Washington.

Our claim is for property still in existence, and of increased value, and a squatter's right is "adscriptus glebae" and never dies, and Senator Hoar as a profound and learned jurist knows this.

You say, Why delay of thirty years? There was no such delay. As has been said, Mr. Soule returned to California against advice of doctors and came home in 1853 and had a long sickness of several years, and was not able to attend to business affairs until 1861, and then a four years' war, from a kind of inherited patriotism, delayed any demand upon the Government, overburdened with expenses, and not until the seventies had he succeeded in getting together some of the papers to establish his claim.

He was then sick again, to death's door, given over by the doctors, pronounced incurable—trouble with bladder and kidneys—had to use the catheter for twenty years, last five or six by the aid of physician. As one can see, he was completely broken in health and spirit.

But after resting three years in Reading at my expense he rallied and again tried to earn something to support his family and at the same time prepare his claim, and, like "Duos qui sequitur lepores, neutrum capit," he at last, in 1881, decided he would call counsel to his aid, but did not get a full hearing until 1886, as you have set forth.

So that really there was only forced delay until now, for after 1892 we were without papers, waiting, as he had done, to secure the evidence, Governor Boutwell having lost the papers, and we did not have means to carry on the case, further embarrassed by my entire lack of business ability.

Senator Hoar, with his broad knowledge of human affairs, will not fail to see how matters would be forced to drift with a man completely broken in health and leaning for assistance upon one who could only aid him to live and support his family, but of no business capacity to assist him. Indeed, he seemed to feel that all he would have to do was to present his case to the Government and it would at once be adjusted—it was so clear and strong.

The strange combination of accidents and misfortunes, causing so much delay in presenting the claim, make a modern romance of facts stranger than fiction.

I have your answer to letter I sent yesterday.

Yours, truly,

E. HUNT.

Hon. H. W. BLAIR.

EXHIBIT C.

GRAFTON CENTER, N. H., *January 2, 1903.*

MY DEAR SIR: Mrs. Hunt reminds me I forgot to tell you a quite important fact. After Governor Boutwell had closed his Washington office and we had decided to take the claim to Congress, from lack of funds to prosecute it in Supreme Court, to which governor appealed it on his own motion, and said he thought he could win it, Mrs. Hunt went to him to get the papers in the case, and he told her that in moving from Washington to Groton two boxes of books and papers were lost, and in them were the Soule papers, and if he ever found them he would send them to her. (Not yet done.)

This he told her in his son's office in Boston. Here was another loss of papers, and by an ex-secretary and governor, only in transit from Washington to Massachusetts. Was not this discouraging? Was it not more wonderful than the loss of the original papers by King and Soule, when their baggage went astray to Honolulu and Australia, when transportation was more risky?

Well, we waited in hopes to receive the papers, but have not.

Then we must do the best we could—of course with no papers we could present no case to anyone.

Well, we had some correspondence with a Washington firm of agents, on recommendation of a friend, Steinberger & Co., or something of that kind, I forget name, but the principal died and firm dissolved.

Then we got what papers we could find, and Mr. Spring, of Lebanon, whom you must have known, was to take the case, and he copied the records of the Court of Claims, which I forwarded to you at the outset, and, as you know, he too died, and we were again afloat.

We had notice that Mr. Currier would be elected, and knowing his ability we waited and deemed ourselves fortunate to secure your aid in the case.

So you see how we have had to work for ten years and wait.

Hoping you will now be successful, I am,

Yours, truly,

E. HUNT

Hon. H. W. BLAIR.

Mr. ALLISON. I ask that the bill may go over without prejudice.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice. The Secretary will announce the next business on the Calendar.

ESTATE OF GEORGE W. SAULPAW.

The bill (H. R. 1513) for the relief of estate of George W. Saulpaw was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims

with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of George W. Saulpaw the sum of $7,000, in full compensation for the steamer Alfred Robb, taken by the United States for the use of the Government during the late war of the rebellion; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,000 for the purpose specified in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY BASH.

The bill (S. 2749) for the relief of Henry Bash was considered as in Committee of the Whole. It proposes to pay to Henry Bash the sum of $1,260, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Port Townsend, Wash., from July 1, 1886, to October 1, 1891, being sixty-three months, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PLATTING OF MINING CLAIMS.

The bill (S. 181) to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims was considered as in Committee of the Whole. It provides that all moneys heretofore or hereafter deposited in any United States depository under the rules and regulations of the General Land Office for platting of mining claims and other office work in the office of any surveyor-general connected with proceedings to obtain patents shall be deemed an appropriation for the objects contemplated by such rules and regulations, and authorizes the Secretary of the Treasury to cause the sums so deposited to be placed to the credit of the proper appropriation for platting and other office work in obtaining patents for mining claims. But any excesses in such sums over and above the actual cost of such platting and office work, comprising all expenses incidental thereto, and for which they were severally deposited, shall be repaid to the depositors, respectively; such payments to be made upon a statement of account therefor by the Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BURGESS.

The bill (S. 4224) to correct the naval record of Alfred Burgess was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any report in that case?

The PRESIDING OFFICER. There is. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. PLATT of New York February 23, 1904, and read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4224) to correct the naval record of Alfred Burgess, having previously given the case careful consideration, report the same favorably and recommend that it do pass, attaching hereto and making a part of this report Senate Report No. 2824, Fifty-seventh Congress, second session.

The report is as follows:

"The Committee on Naval Affairs, to whom was referred the bill (S. 4906) to correct the naval record of Alfred Burgess, report the same favorably and recommend that it do pass.

"The records show that the said Burgess enlisted in the Navy on June 23, 1862, as a first-class fireman, for two years; that he served on board the U. S. S. *Sonoma* and deserted from that vessel on August 31, 1863.

"It appears, however, from affidavits and statements in the hands of the committee made by Asa B. Cullins, late acting and first assistant engineer, United States Navy, and John A. Pingree, late acting third assistant engineer, United States Navy, hereto attached and made a part of this report, that the charge of desertion entered against the said Burgess was an error and due to the neglect of the paymaster of the ship on which he was serving.

"The fact is, according to the affidavits above mentioned, the said Burgess was transferred from the U. S. S. *Sonoma* to the New York Navy-Yard in July, 1863, rated as a first-class fireman, on account of his abilities as blacksmith and fireman.

"The committee believe that an injustice has been done the said Alfred Burgess, and that the charge of desertion standing against him upon the naval records should be removed."

Mr. COCKRELL. Is there anything from the Navy Department to show that the beneficiary served in the New York Navy-Yard?

Mr. SPOONER. Would not the transfer show it?

Mr. COCKRELL. Yes.

Mr. GALLINGER. There is a communication from the Navy Department in the report.

Mr. COCKRELL. Let it be read.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, March 15, 1898.*

SIR: Referring to your communication of the 12th instant, requesting to be furnished, for the use of the Committee on Naval Affairs, in the consideration of the bill (S. 4104) to relieve Alfred Burgess from the charge of desertion, with the views of the Department in regard to the propriety of the legislation proposed, I have the honor to state that it appears from an examination of the records in the case of Burgess that he enlisted in the Navy June 23, 1862, as a first-class fireman, for two years; served on board the U. S. S. *Sonoma*, and deserted from that vessel August 31, 1863.

It appears from an examination of the records of the Department that on June 18, 1891, the case of Burgess was considered with a view to the removal from his record of the charge of desertion under the provisions of the act of Congress to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, and was rejected on the ground that he neither served until May 1, 1865, nor was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty.

The Department sees no reason for special legislation in this case. The question whether or not such relief should be granted the applicant would appear to be a matter for the determination of the Congress.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. COCKRELL. Is there anything in the report to show that the beneficiary ever went to the place where it is stated he was transferred? Mr. President, it is an important point there. If this man was transferred, there is some record of it, and the Committee on Naval Affairs ought to present that record. There is no trouble about the record if he was transferred to another branch of the service.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Missouri to two affidavits which appear in the report made by the senior Senator from New York relative to this case.

Mr. COCKRELL. Those affidavits are not record evidence. You can not substantiate a man's service for the Government simply by the affidavit of some other party. The Government keeps a record of all its employees of every kind, and the record ought to show the transfer. If he performed any service for the Government, the Government paid him for it, and there is a record of it. I must ask that the bill go over until that question can be answered.

The PRESIDING OFFICER. Objection being made, the bill goes over under the rule, without prejudice.

Mr. COCKRELL. If the claimant was transferred, as the affidavits state, there is a record of it, and the record is the best evidence of it and it ought to be the only evidence. Oral testimony to prove service of that kind will not do, particularly in army and navy service.

The PRESIDING OFFICER. The bill will be passed over without prejudice under the rule.

J. M. BLOOM.

The bill (S. 1586) for the relief of J. M. Bloom was considered as in Committee of the Whole. It directs the Postmaster-General to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with $189.12, and to cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $123 in postal funds by robbery of the post-office on the 10th day of February, 1897, and $66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $189.12 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTIS PARKE UPSHUR.

The bill (S. 2020) for the relief of Custis Parke Upshur was considered as in Committee of the Whole. It proposes to pay to Custis Parke Upshur $787.82, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Astoria, in the State of Oregon, from July 1, 1886, to October 1, 1891, being for five years and three months, at $12.50 per month.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. FULTON from the Committee on Claims February 24, 1904.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business, which is House bill 14749.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BARD. Mr. President, it seems important, in the beginning of this discussion, to call attention to the peculiar history of the pending bill.

Following the defeat of the omnibus statehood bill in the Fifty-seventh Congress, there was introduced early in the first session of the Fifty-eighth Congress, in this Chamber, by Mr. Quay, on November 16, 1903, Senate bill 878, to enable the people of *New Mexico* to form a constitution and State government, and Senate bill 879, being a similar bill providing for the admission of *Arizona* as a State.

The first bill introduced in the House of Representatives in the Fifty-eighth Congress was H. R. No. 1, a bill to enable the people of *New Mexico* to form a constitution and State government and be admitted into the Union, introduced by the Delegate from New Mexico, Mr. RODEY.

On the same day there was introduced in the House another bill (H. R. 24) intended to provide for the union *of Oklahoma* and the *Indian Territory* as one State.

On the following day (November 10) another bill (H. R. 848) intended to provide for the admission of *Arizona* alone was introduced by the Delegate from Arizona, Mr. Wilson. A week later there was introduced by the Delegate from Oklahoma, Mr. MCGUIRE, H. R. 4078, a bill intended to provide for the admission of *Oklahoma* alone. On January 14, 1904, another bill (H. R. 10010) intended to provide for the admission of *Oklahoma and Indian Territory* united as a State was introduced by Mr. ROBINSON of Indiana, in the beginning of the second session of the Fifty-eighth Congress, March 5, 1904. A bill (H. R. 13524) providing for the admission of *Indian Territory* alone as a State was introduced by Mr. MOON of Tennessee.

It will be observed that while two of these bills proposed the union of Oklahoma and Indian Territory, all of the rest, five in number (S. 879, S. 878, H. R. 848, H. R. 4078, H. R. 13524), were intended to permit each of the four Territories to be admitted separately. None of the bills proposed the union of New Mexico and Arizona, and the people of these Territories have never asked for joint statehood.

The bill (H. R. 14749) now under consideration by the Senate was introduced by the chairman of the Committee on the Territories and referred to his committee on April 4, 1904. It was reported back to the House of Representatives on April 8, 1904, without amendment, having been in the hands of the committee three days. On April 19, 1904, the bill was taken up for consideration by the House as in Committee of the Whole House, under a rule reported by the Committee on Rules, limiting the debate, excluding intervening motions, and providing for a vote on the bill on its final passage at 4 o'clock of that day. No amendments were permitted under the rule, except such as had been proposed in the rule; and the bill, as thus amended, was passed by the House on April 19, 1904, after a debate lasting three and one-half hours. No bill of the kind was ever introduced in either House of Congress until this bill was brought out of the committee by the chairman of the House Committee on the Territories.

Some of the Members who participated in the debate expressed regret that the limitations for the consideration of a measure so imporant prevented them from presenting certain amendments which, in their opinions, would probably have been accepted, and if accepted would have removed what was regarded as serious objections to the bill.

The bill was never read before the House. (See p. 5152, CONGRESSIONAL RECORD, April 19, 1904.)

I have recited these facts as they appear on the record of the legislative history of the measure which the Senate is now considering, for the purpose of showing that the people of Arizona and New Mexico, through their representatives, or otherwise, have never applied to be joined in statehood, and no bill was ever before introduced in Congress for such purpose, but that such proposition originated in the Committee on the Territories of the House of Representatives. It does not, therefore, appear that the committee was prompted by any consideration of the wishes of the people of the Territories of Arizona and New Mexico, but its action was in direct disregard of the protests made in their behalf.

In the absence of any explanation given in their report or elsewhere, we are compelled, therefore, to presume that the measure was suggested only by what a majority of the members of the committee in the House regarded as best for the common weal of the whole people of the United States, and that in their judgment such consideration is paramount and justifies its refusal to regard the wishes and interests of the people directly interested. But, if such be the case, there is nothing in the House report indicating how such a conclusion has been reached and it remains to be explained by Senators who are supporting the measure how it has become necessary that this bill shall be passed in order that the best interests of the Republic shall be conserved or promoted.

In view of the facts concerning the history of the measure, I wish to express my gratification that the rules of the Senate accord to its members the fullest opportunity and latitude for debate, and that they secure for this or any other measure as full and deliberate consideration as its importance merits.

Senators who are opposing the passage of this bill, as a whole or unless it is amended so as to eliminate all portions of it which apply to New Mexico and Arizona, are expecting to have full latitude under these rules and successfully to dispel any idea that may be entertained that there *is* any present public necessity for safeguarding or promoting the common interests by the enactment of this bill in its entirety.

In this short session of Congress, which will be taken up principally by the consideration of the great appropriation bills, there will be presented to the Senate for its consideration no measure more important than the statehood bill. It affects the rights and political destiny of nearly 2,000,000 of our own American people and proposes to terminate the control of Congress over the only contiguous territory belonging to the United States.

The creation of new States has often marked some important epoch in the political history of the nation and too frequently has signified the accomplishment of some selfish scheme of the political party which at the time controlled the Government. There does not appear to be any circumstances by which either of the great political parties of this day can secure any sure advantage by either the enactment or defeat of this measure; and I believe that Senators can not be persuaded to let any hope for political advantage to either of the parties, whose representatives are supposed to be divided by the central aisle of this Chamber, prevent them from considering this measure only on the higher plane of duty to the Republic and to the people most directly interested in it.

I have no objections to the proposed joining of Oklahoma and Indian Territory to make a State of the Union, but I believe that it would be more consistent with the principles of our Government to permit the people of each of the Territories, separately, to vote upon the proposition, and to require a vote of the majority of the qualified electors of each Territory to ratify the proposed constitution of the new State. These Territories have made great advance in the development of their resources and are already populous.

The combined area of the two Territories is about seventy thousand square miles—about the size of Missouri. Oklahoma and Indian Territory contain 11,000 square miles less than Kansas and 17,000 square miles more than Arkansas, and their joint area is less than three-fourths of the area of Colorado—all being their neighboring States.

The aggregate population of the two Territories is probably far beyond a million.

The organic act creating the temporary government for Oklahoma provided for the addition, from time to time, of large portions of the Indian Territory. By this organic act it is apparent that it was not intended to draw a permanent line of division between Oklahoma and Indian Territory, but that Oklahoma should be enlarged by adding other lands within the Indian Territory whenever the Indian nation or a tribe on such lands shall assent to the extension.

Indian Territory is practically without a government and has no representation in Congress. Before the proposed constitution of the new State shall be in force the lands belonging to the Five Civilized Tribes will have been allotted and disposed of and all of the Indians will have become citizens of the United States.

By the Curtis Act, and various agreements with the Five Tribes, tribal courts were abolished July 1, 1898, and all tribal relations and government of the five nations are to cease March 4, 1906.

Of the whole population of the Indian Territory the Indians of pure and mixed blood, who have intermarried whites and negroes, and adopted citizens, constitute only one-fifth of the inhabitants of the Territory. The remaining four-fifths of the inhabitants of the Territory have no connection with tribes, and are white people with a small percentage of negroes, whose

citizenship in the States from which they came has qualified them for statehood.

This large population of white people is without adequate schools, except those which have been provided by the Government for incorporated towns. It is estimated that 100,000 white children in the Territory are without free educational opportunities.

There seems to be, therefore, not only a sufficient preparedness, but a necessity for statehood.

But as to the proposition to join Arizona and New Mexico, I am not in accord with the majority of the Senate Committee on Territories, of which I have the honor to be a member; but I believe that Arizona, at least, has a right to protest against this measure, and has sufficiently indicated to Congress that her people are earnestly protesting against the proposed attempt to coerce them to accept joint statehood with New Mexico. At no time have the people of either of the Territories of Arizona or New Mexico expressed any desire to have joint statehood.

At the hearings held December 11, 15, 17, 1903, and on January 6, 1904, before the House Committee on the Territories, reference was made for the first time to the proposition of joining Arizona and New Mexico. It occurs in the statement before the House committee by Mr. RODEY, the Delegate from New Mexico. (See Hearings, Vol. II, p. 631, and on pp. 64, 66, and 70.) He introduced the subject himself by saying:

> There is no use in mincing matters. It is better for the Delegates from the Territories to be plain with the committee. There is a sentiment in the East, as we know it was developed in the opposition to statehood *last winter*, in favor of making an effort to join the Territories of New Mexico and Arizona as one State when they come into the Union.

And, continuing, he said:

> The people of the Territory of Arizona, as I am at present advised, would vote *as a unit* against such a bill; and 60 or more per cent of the people of New Mexico would vote this minute to defeat a constitution under it. *If they shall change their minds* it will only be by coercion after this Congress has denied their just demands.

That was the testimony of Delegate RODEY. At the same hearing Hon. E. E. Ellinwood, of Prescott, Ariz., for five years United States district attorney, said (p. 145):

> If you can not benefit the Territory of Arizona, do not do her an injury. New Mexico does not want us tied to her, and we do not want to be tied to New Mexico. We want statehood, gentlemen of the committee, but we are not insane on the subject of statehood. If you can not admit Arizona with its 113,000 square miles, with its resources, with its American population, leave us out. * * *
>
> Gentlemen of the committee, take up the New Mexico bill and pass it; take up the Oklahoma bill and pass it; and let Arizona remain as it is rather than join us together. We will be loyal. We would prefer to remain a Territory absolutely indefinitely, forever, until we work out our own salvation. We will do it. For heaven's sake do not strike us in the face if you can not help us up. This is the preference of the people. I know the conditions in the Territory, and no one will appear before you who will not tell you the same thing. Arizona is unanimous on this subject. We will not have it if we can help it.

Mr. Ellinwood was asked the following question:

> By what authority do you speak, on behalf of your Territory, saying that you are united in opposition to being joined with any other Territory to form a State? Is it simply your judgment about it, or has there been a vote, or a town meeting?

His reply was:

> I will state to the gentleman that since this question has been up I have been in every county in the Territory, and nearly every town in every county. I am with the people all the time; I am in the courts with the jurors and witnesses all the time; and I have never heard one man in the Territory of Arizona express himself favorably to any such joining of the two Territories.

The Delegate from Arizona, Mr. WILSON, being asked (January 15, 1904) by the chairman of the committee:

> Supposing that you were confronted with the question whether you could be admitted with New Mexico or not at all, would you rather wait, or would you rather be joined?

replied:

> We would rather wait until the crack of doom before we would ever consent to it, and if stronger language is necessary I will use it.
>
> Mr. ROBINSON. Is that the sentiment of your people?
>
> Mr. WILSON. Yes, sir; absolutely.
>
> Mr. ROBINSON. Will that sentiment change?
>
> Mr. WILSON. It never will. It will only grow more violent.

In each case these witnesses gave in full the reasons why the people of Arizona are not only unwilling to be joined with New Mexico in joint statehood, but strongly protest against it. This protest was early expressed by the governor of Arizona in his report to the Secretary of the Interior for the year ended June 30, 1903. He said (p. 205):

> While the people of Arizona are unanimous in their desire for the admission of the Territory as a State and feel that the longer this boon is denied them the longer is a great injustice being done to a hardy, honest, straightforward, and patriotic people, still they are as unanimous in their opposition to a union with any State or part of State or Territory, even though by such a union could the desired boon be attained.
>
> They have withstood the dangers and vicissitudes of frontier life too many years; they have worked too hard to mold a State from the desert; they have expended too much time and energy in the upbuilding of their Territorial public institutions to at this late day desire to surrender control to others. * * * Arizonans desire admission to statehood, feeling sure that, under the stimulus given by the more stable form of government, Arizona will rapidly forge to the front and soon become one of the most prosperous of all the States of our Republic. They feel without exception that a union with the Territory of New Mexico as one State, by whatever name it may be known, would make a State too unwieldy for the proper administration of public affairs; that such a union would be disastrous to all concerned, and would be rather an obstacle than a help to progressive advancement for either.

And in his last report, for the year ended June 30, 1904, after the bill under discussion had been passed by the House, the governor of Arizona says (p. 14):

> Finding themselves confronted with a plan to unite their Territory with New Mexico, the people of Arizona *have protested* vigorously, and they will *continue* to do so until they have defeated this repugnant scheme. The injustice of it should readily appeal to all. * * *
>
> The two Territories, as they stand, are different in many ways. They have little in common; their lands are dissimilar. It is doubtful if they could ever become reconciled to exist under one form of State government.
>
> * * * *I* can not *add* to the *protest* that has already been made by the people of the Territory of Arizona against this reprehensible measure, and I have only to say that they would desire that their Commonwealth *remain a Territory indefinitely* rather than be joined with New Mexico. They desire to come into the Union as the State of Arizona, with the present Territorial boundary, and until, in the wisdom of the nation's legislators, they are permitted to do this, they are content to remain as they are, trusting in the justice of the future years to bring the boon so earnestly sought.

The people of Arizona, alarmed by the intimation that such a proposition was being entertained by the House Committee on Territories a year ago, quickly sent earnest protests to their Delegate, that he might present them to Congress; and we find these protests printed in full in the CONGRESSIONAL RECORD, pages 5111 to 5118, filling eight pages. They are the resolutions passed by the people in mass meetings in all the principal towns and cities and throughout the counties of Arizona, and by municipal bodies, county supervisors, boards of trade, chambers of commerce, etc. They are positive declarations "that the people of Arizona are unalterably opposed to New Mexico and Arizona being consolidated and made one State; that they prefer to remain as citizens of a Territory than to enter the sisterhood of States under such condition;" and they pray that "no bill be passed providing for the union of New Mexico and Arizona into a single State."

The newspapers of Arizona also have repeatedly given expression to the almost unanimous opposition by the people of that Territory to this measure. The sentiment of opposition is shared by the people and press of both political parties of Arizona. Were it necessary or advisable, many pages of the RECORD could be filled with hundreds of newspaper articles in support of this statement. Specimens of these denunciations by the press of Arizona are perpetuated in the Appendix, printed in connection with the admirable remarks of Mr. NEEDHAM, one of the Representatives from California, on pages 5130 to 5132 of volume 38 of the CONGRESSIONAL RECORD.

I am personally informed, from various reliable sources, that most of the best-known men of Arizona, among them Chief Justice Kent, of the Territory, and ex-Governor Murphy, of Arizona, strongly express their own disapproval of the proposed jointure of the two Territories, and state that the opposition of the people is almost unanimous.

Governor Otero, of New Mexico, a Republican in politics and originally an appointee of President McKinley in his first term, is of Spanish descent on the paternal side and qualified in every way to speak of the popular sentiment in the two Territories respecting this measure.

> There is no doubt that the great majority of the people of New Mexico are opposed to joining New Mexico and Arizona into one Commonwealth as is proposed by pending legislation. Even the small percentage who would acquiesce in such a consolidation prefer single and separate statehood for each Territory. This is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historic and ethnologic standpoint, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history.

And Governor Otero has said, in even a more emphatic manner, in a recent interview as reported by the newspapers, the following:

> The new State would be an unnatural and an unwilling alliance. It would be the coercion of two populations, which are unlike in character, in ambition, and largely in occupation.
>
> The union would be abhorrent to both. Because the two populations are in the Southwest the nation should not suppose that they are alike or sympathetic.

Arizona was once a county of New Mexico, but from the very beginning her people were dissatisfied and desired to become separated from New Mexico. Senator Wade, in this Chamber,

in the debate on July 3, 1862, on the bill to create a temporary government for Arizona, said:

The organization of the Territory of Arizona has been a matter of constant importunity upon this Government for more than seven years, to my certain knowledge. * * * The people there, * * * ever since I have been upon the Committee on Territories, have been urging Congress to organize this Territory.

It appears that the people of New Mexico were quite reconciled to the proposed separation, for in the debates in Congress, preserved in the Congressional Globe, we find Mr. Watts, the Delegate from the Territory, earnestly supporting the bill to create the temporary government for Arizona then pending, and representing that the people of New Mexico realized that sooner or later a division of the Territory would be made by Congress, and that it were *better* to come now, *before* the people of the different sections of the Territory shall become so "attached to each other and so intertwined as one people that to disrupt the Territory will cause the most unpleasant and painful sensations."

But, Mr. President, the people of these two Territories were not permitted to become "attached to each other" or "to be intertwined" very long, for the bill which Mr. Watts was then supporting soon afterwards became the law, under which, for forty-two years, the people of Arizona have enjoyed the benefits and happiness of a separate autonomy. Mr. Watts said, in his remarks upon that occasion, in 1862:

It is a Territory large enough to make four States of the size of New York or Pennsylvania, and I know and feel that it will not be allowed to remain undivided. I know that it will be considered too large for one Territory, and division must come sooner or later.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. Certainly.

Mr. TILLMAN. Before the Senator from California passes from the point he is making in his almost, I will say, unanswerable argument in favor of the contention which he is urging, I will submit, if he will permit me, some very recent and, to my mind, conclusive testimony just received in the mail this morning from the Bar Association of Arizona, signed by Jerry Millay, president, and Thomas J. Prescott, secretary—a personal letter addressed to me inclosing a resolution passed by the bar association, dated the 31st of December, 1904. I suppose it has been three or four days in transit, or something like that, but it is the most recent and authoritative statement of the opposition of those in Arizona who are supposed to know what they want. If the Senator will permit me, I will ask the Secretary to read it, so that it may go into the RECORD.

Mr. BARD. With pleasure.

Mr. BEVERIDGE. Does the Senator want both the letter and the resolution read?

Mr. TILLMAN. Yes; I want both read, because they are interlocked and one is about as strong as the other. Let the letter be first read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

BAR ASSOCIATION OF ARIZONA, OFFICE OF SECRETARY,
Phoenix, Ariz., December 31, 1904.

Hon. BENJ. R. TILLMAN,
Senator from South Carolina.

DEAR SIR: We herewith present to you a copy of resolutions adopted by the Bar Association of this Territory regarding the proposed union of Arizona and New Mexico and their admission to the Union as a single State.

These resolutions have been forwarded to the United States Senate as a body, but in addition we desire to invite your personal consideration of this proposed legislation and to implore you to lend your assistance to avert from the people of this Territory the calamity which they feel to be impending.

It is impossible by resolutions to convey to you or to the honorable body of which you are a distinguished member the intensity of the feeling of our people upon this subject and their loathing of the proposed union. In this time of our peril we appeal to the Senate of the United States and to each individual member thereof not to put upon the people of Arizona the blight which this odious union will entail.

The people of this Territory are homogeneous, with similar tastes, ideals, and ambitions, and they have at great sacrifice established and maintained appropriate educational and charitable institutions conformable to those ideals and ambitions, and they desire the opportunity to work out their own destiny in accordance with those ideals.

There is nothing in common between the people of Arizona and those of New Mexico, and the topography of the country interdicts all intercourse and all interchange of commodities or ideas.

The combined area of the two Territories is too great for the convenient and economical administration of government.

The inhabitants of this Territory differ from those of New Mexico in race, government, ideas, political ambitions, and otherwise to such an extent as to make it impossible for the people of the two Territories to unite in harmonious conduct of a State government.

We therefore implore you not to lend your countenance or assistance to the passage of this measure, which, if it becomes a law, will practically disfranchise and enthrall as progressive, loyal, and patriotic a body of American citizens as any whom the members of your honorable body represent.

Separate, independent statehood has ever been the hope of our people, yet we willingly, gladly consent to defer the fruition of that hope indefinitely rather than incur the irremediable disaster of the submergence of our identity which the proposed union with New Mexico would entail.

Respectfully, JERRY MILLAY, *President.*

Attest:
THOS. J. PRESCOTT, *Secretary.*

Resolution.

The Arizona Bar Association, of Arizona, at a meeting held at the capital of the Territory, on December 27, 1904, adopted the following resolution:

Resolved, That this association protest against the admission of Arizona and New Mexico as one State into the Union, and offers this protest against the passage of the bill now pending on the following grounds:

First. It violates our sense of local pride; sentimental possibly, but a sentiment underlying and necessary to loyalty, patriotism, and the higher aspirations for good government and good citizenship.

Second. It subjects us to the domination of a majority heretofore strangers to us, living under different institutions, observing different customs, having different laws and different rules of property as to its acquisition, enjoyment, and disposition, subject to different environment, having different trade relations, and the larger proportion of whom can not and do not understand, speak, or write the English language.

Third. That such union involves either a concession by that majority of their laws, customs, and habits or an abandonment by us of ours, and the consequent unsettling of our laws and jurisprudence which are the growth of nearly half a century of different, distinct, and separate government, and by experience shown to be adapted and adaptable to our institutions, customs, habits, and peculiar wishes.

Fourth. The union of these two Territories would create a State the area of which would be greater than Iowa, Michigan, New York, and all the New England States combined. This would entail extraordinary expenditure of money and time in the transaction of public business, working hardship and more or less operating to deprive us of participation in the transaction of our public affairs. It is, we submit, a cardinal principle of American institutions that the more nearly within the actual observation of the people the functions of a government are exercised, and the greater facility afforded them for actually participating therein, the safer those institutions are and the more economically, honestly, efficiently, and capably they are carried on.

These considerations principally, perhaps others, more than forty years ago induced a Congress of the United States to establish the government of the Territory of Arizona separate and apart from that of New Mexico. The lapse of time has not, we submit, rendered these reasons of less efficiency, but has, on the contrary, not only justified the act of that Congress, but emphasized and made more apparent and urgent the reasons that then prompted the separation. The proposed enabling act is violently opposed to our wishes and, as we deem it, will necessarily result in the subversion of our rights.

We therefore respectfully but most earnestly protest against the passage of the proposed law, implicitly believing that in so doing we express the sentiment of the vast and overwhelming majority of our people.

And as members of this honorable profession we appeal to the Congress of the United States that, as a matter of right and justice, this distasteful union be not imposed upon an unwilling people.

I hereby certify that at a special adjourned meeting of the Bar Association of Arizona, held in the court room at the court-house in the city of Phoenix, Ariz., on the 28th day of December, 1904, at the hour of 2 o'clock p. m., due and timely notice of such meeting having first been given, the foregoing resolution was unanimously adopted; that the undersigned was at the date of said meeting and now is the duly elected, qualified, and acting secretary of said association.

THOS. J. PRESCOTT, *Secretary.*

PHOENIX, ARIZ., *December 31, 1904.*

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. I do.

Mr. TILLMAN. If the Senator from California will permit me, I want to say that this cry for help appeals to me with greater force than possibly it does to many others here, for the reason, if I understand the situation, that it is a cry of a pure-blooded white community against the domination of a mixed-breed aggregation of citizens of New Mexico, who are Spaniards, Indians, Greasers, Mexicans, and everything else. It is just about the same as if we were to join Florida and Cuba, and then let the two be governed by a legislature elected by the universal suffrage of the Cubans and Floridians.

Mr. BARD. I am afraid the Senator from South Carolina——

Mr. TILLMAN. I want to say that I cast no reflections, and I do not want to cast any reflections, upon the New Mexicans. I am willing to give them statehood, but I do say that, as a white man, I appeal for white supremacy in Arizona.

Mr. BARD. I had no intention of introducing in my speech any similar testimonials of the feeling existing in Arizona in opposition to this bill, but since the Senator from South Carolina [Mr. TILLMAN] has introduced these papers, I have been handed by a messenger two communications which perhaps may as well be submitted at this time. I am informed by telegrams that there will be much more of the same kind of evidence presented to the Senate.

The PRESIDING OFFICER. Does the Senator from Cali-

fornia desire the communications to which he has referred read by the Secretary?

Mr. BARD. If permitted, I will have them inserted in the RECORD as a part of my remarks. I will say, however, that they consist of resolutions of protest by the Arizona Baptist convention.

Mr. BEVERIDGE. Let them be read.

Mr. BARD. Very well, I will send the communications to the desk. I ask that the resolution only be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Resolutions of protest by the Arizona Baptist Convention.

At a called meeting of the board of managers of the Arizona Baptist Convention held in Phoenix, Ariz., December 31, 1904, the following preamble and resolution were unanimously adopted:

Whereas a bill has been introduced in the United States Senate providing for the admission to the Union of Arizona and New Mexico as one State:

Resolved, That we respectfully and most earnestly protest against the proposed merging of the two Territories as being unjust, unwise, and impolitic, believing, as we do, that it would provoke antagonism which would be detrimental to the interests of both Territories to unite two Commonwealths so separated by natural, political, racial, and religious barriers.

LEWIS HALSEY,
President Board of Managers of the Arizona Baptist Convention.

Attest:
GEORGE H. BREWER, *Secretary.*

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. I do.

Mr. BEVERIDGE. I had assurance from the Senator that he would yield before I rose to address the Chair.

Accepting at its face value, and more, the statement of the Senator from California, upon the authority which he cites in support of it, that the people of Arizona are practically a unit against this bill, and the statement which he quotes from the governor of New Mexico that the people of New Mexico are practically a unit against the bill, I ask the Senator what harm can come from submitting this question to the people themselves, and letting the people themselves say at the ballot box whether they want this or whether they do not, and whether or not that would not be a more accurate expression of their desires than the statements of governors appointed over them?

Mr. BARD. Mr. President, I have anticipated a little further along in my speech the question of the Senator from Indiana——

Mr. BEVERIDGE. Very well; I am willing to let it go.

Mr. BARD. And when I come to it I will direct his attention to the remarks in reply to his question.

Mr. BEVERIDGE. If I had known that the Senator was going to take it up I would not have said anything on the subject. It merely occurred to me, I will say to the Senator from California, that there could not be any harm in hearing from the people themselves, since this bill could not possibly become effective if it is true, as the authorities he quotes say, that the people themselves are against it.

Mr. FORAKER. If it does not interfere with the Senator from California, I should like to ask the Senator from Indiana a question at this point.

Mr. BARD. I yield.

Mr. FORAKER. And that is whether or not the Senator from Indiana will contend that a majority of the people in each of those Territories, New Mexico and Arizona, are in favor of statehood by consolidation?

Mr. BEVERIDGE. Will the Senator from California permit me to answer the question of the Senator from Ohio?

Mr. BARD. Certainly.

Mr. BEVERIDGE. I will say, in answer to the question of the Senator from Ohio, that I do not contend that or the reverse. I contend for what the bill which was passed by the House and came to this body proposes—merely that the people of this country shall hear from the people of the Territories themselves as to whether they wish this bill or not, and not from those who assume to represent the people. For fifty years we have heard what politicians said the people wanted, but never have we heard the people themselves say what they wanted. That is what I contend for.

Mr. BARD. Mr. President, in the history of legislation on this subject there has never been a case where Congress has acted except upon evidence that the people were applying for admission to the Union as a State. I will proceed.

As originally constituted, the Territory of New Mexico, including Arizona, contained 235,380 square miles; larger than any other State or Territory, except Texas, nearly 50 per cent larger than California, and two and one-half times as large as the Territory of Oregon. There is good evidence to show that Congress had anticipated the necessity of dividing the Territory of New Mexico, for in the act of September 9, 1850, creating the temporary government of the Territory, it is provided that when admitted as a State the said Territory, *or any portion of the same*, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission, and also—

That sections 16 and 36 in each township in said Territory shall be reserved for the purpose of being applied to schools in said Territory and *in the State and Territories hereafter to be erected out of the same.*

One of the same reasons given then for desiring separation is given now for remaining separate Territories, namely, that the combined area of the two Territories is too great for convenient and economical governmental administration; and this is insisted upon now, though the facilities for intercourse between the sections are greatly improved by railroads and telegraph and telephone lines.

New Mexico alone has an area larger than the aggregate area of England, Scotland, Ireland, and Wales.

New Mexico and Arizona together have an area equal to the area of all the thirteen States on the Atlantic seaboard from Maine to South Carolina, or equal to the aggregate area of New York, Pennsylvania, West Virginia, Ohio, Kentucky, and Indiana.

These two Territories are a part of the territory which was ceded by Mexico under the treaties of Guadalupe Hidalgo and for the Gadsden purchase.

The great State of Texas, having an area of 265,780 square miles, was also originally Mexican Territory. Along the international boundary between Mexico and the United States, from the mouth of the Rio Grande, at the Gulf of Mexico, to the southwestern corner of California, on the Pacific Ocean, lie the State of Texas, the Territories of New Mexico and Arizona, and the State of California.

The distance between the two extreme points named, following the boundary, is about 1,500 miles. Such a line stretched from the most northeasterly corner of Maine on the Atlantic would reach to the Florida keys.

These four border States and Territories—Texas, New Mexico, Arizona, and California—have an aggregate area of about 660,000 square miles, which is 22 per cent of the whole area of continental United States—equal to the aggregate area of all of the six New England States and New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Ohio, and Indiana, represented in this Chamber by twenty-eight Senators, while the same area of the Mexican border States are represented here by only four Senators.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Can the Senator state, if he has the figures at hand, what the respective populations of those respective areas are?

Mr. BARD. I have not the figures.

Mr. BEVERIDGE. I ask that question because I assume that the Senator does not contend that this is a Government of areas, but a Government of people.

Mr. BARD. I have not the information at hand.

Mr. TILLMAN. If the Senator from California will allow me, I would suggest to the Senator from Indiana that this body is peculiarly a representative of entities, representing area and not population.

Mr. BEVERIDGE. Of course I do not want to interrupt the Senator from California; I thought perhaps he had the figures at hand, and that is the only reason why I do not answer the pointed observation of the Senator from South Carolina. I merely thought perhaps the Senator from California had the figures and could put them in.

I will be very glad to take up the other subject at some other time.

Mr. BARD. I am sorry I have not the information, but I will remind the Senator from Indiana that the territory with which I have contrasted these Mexican boundary-bordering States is a thoroughly American community——

Mr. BEVERIDGE. Certainly.

Mr. BARD. That it has had great advantages, varied development; and there is no comparison in some respects between the two areas.

Mr. BEVERIDGE. That is true.

Mr. BARD. The Territories of Arizona and New Mexico are *inchoate States*, entitled sooner or later to become members of the Union of States. If they are not yet prepared for statehood, Congress may justly deny their application; but Congress

can not justly unite them if the proper political equilibrium of the various sections of the country is to be preserved.

The people of Arizona, particularly, are, as I have shown, earnestly protesting against the passage of this measure. Through fear of the consequences and injury which the bill would inflict upon them, they have abandoned all hope that Congress will, at this time, give Arizona separate statehood, though such has been their ambition for a whole generation. In surrendering this hope now Arizona *begs*, but begs in a manner that is *dignified*, though *intensely earnest*, that she may be spared the degradation of the loss of her separate autonomy and identity, and the humiliation of having her boundaries forever effaced, and forgetting in her distress the rights that she may claim, almost pitifully says, "rather than incur the impending disaster of a joint statehood with New Mexico, we request Congress *to allow us to remain* as a Territory of the United States."

But, Mr. President, no one can with propriety ask here in behalf of the people of Arizona that only their wishes or preferences shall guide Congress in its consideration of this measure. I realize that Congress, in considering such measures, has a duty to perform to the whole people of the Nation as well as to the people of the sections of the country whose interests are more particularly involved.

It devolves now upon the Senate to determine whether or not there is any *injustice* in the provision of this bill which attempts to unite Arizona and New Mexico in statehood; and if there be any such injustice, whether it shall nevertheless be permitted.

Congress has undoubtedly the power to do what it will in respect to the government of the Territories, and there is no power or authority on earth to question that right. There is no court to which the question could be appealed. It is generally admitted, as Judge Cooley has said, that—

> the people, *except as Congress shall provide therefor*, are not *of right* entitled to participate in authority until the Territory becomes a State.

And that—

> while Congress will be expected to recognize the principle of self-government to such extent as may seem wise, its discretion alone can constitute the measure by which the participation of the people can be determined.

But it has been the practice of Congress, from the earliest times, since the adoption of our Constitution, to create temporary governments for the Territory; and though there have been different forms of Territorial government, in every case there is implied in the acts creating them that the governments are to be succeeded by permanent governments, and that the people shall emerge eventually from their temporary pupilage and partial dependence into the full growth of statehood.

In every treaty of cession to the United States by which additional territory has been acquired, except for the purchase of Alaska, Porto Rico, and the Philippines, the United States Government obligated itself to incorporate the inhabitants into the American Union as soon as consistent with the principles of the Constitution. The period of pupilage varies: Kansas, 4 years; California, none; Michigan, 32 years; Utah, 44 years; Nebraska, 36 years. New Mexico and Arizona have existed under Territorial government 54 years.

These acts creating Territorial governments are modeled upon the principles embodied in the ordinance of 1787, which the Constitution left in force. The ordinance was adopted July 13 of that year by the Congress of the Confederation, sitting in New York, when the convention that framed the Constitution of the United States, sitting at Philadelphia, was in the very middle of its great work.

There can be no doubt that the eminent members of the Congress and of the convention were constantly conversant with all that was transpiring in either body. It may be reasonably surmised that before the convention framed Article IV, section 3, of the Constitution it had regarded with great interest the proceedings in the Congress while it was engaged upon the formulation of that noble and notable instrument known as the "ordinance of 1787," providing a government for the Northwest Territory and for the three or five States which were to be formed out of that Territory.

An examination of this ordinance and particularly of the older forms of the ordinance, adopted in 1784, will show that the Congress regarded the subdivisions of the Territory as "*States*" and called them by that name when referring to them even before a temporary government had been formed in them. And so to this day we are in the habit of regarding and referring to our Territorial organizations as embryonic States, which are eventually, at such time and under such conditions as Congress may deem proper and necessary, to receive authority to form a permanent constitution and State government, and to be entitled to be admitted into the Union on an equal footing with the original States in all respects whatever.

It is to be remembered that Article V of the ordinance provided that "There shall be formed in said Territory not less than three nor more than five States," and then it goes on to define with minuteness the boundaries of the three States, but provides that these boundaries shall be subject so far to be altered that if Congress shall hereafter find it expedient it may form one or two States in that part of the Territory which lies north of an east and west line drawn through the southern bend of Lake Michigan.

This division of the territory was in the main adhered to when Congress created the temporary governments of the Territories of Ohio, Indiana, and Illinois; and the three States which bear those names are substantially the same in territorial dimensions as the three States described in the ordinance of 1787.

This Article V, fixing the boundaries of the States within the territory is one of the articles which the ordinance declared shall be considered as articles of *compact* between the original States and the people *and the States* in the territory, and which shall forever remain *unalterable* unless by common consent.

Alongside of the articles which assured to the settlers in the Northwest Territory, freedom of worship or religious sentiment, the right to the benefits of the writ of *habeas corpus*, the right of trial by jury, and the free navigation of the large rivers, is to be found this Article V, which, in express terms, provides that—

> Whenever any of the said States in the said territory shall have 60,000 inhabitants therein, such State shall be admitted, by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever.

The admission of the States was conditioned *only* upon that qualification of population and that the constitution and the government so to be formed shall be republican. There was no reservation to Congress of discretionary power to consolidate two of the States in the territory, and no joining of two States was ever attempted.

And remembering these facts, that the convention and the Congress were sitting at the same time, that the ordinance referred to the subdivision of the Territory as *States*, and that it reserved to Congress no discretionary power to form a new State by the junction of two or more States within the Territory, we may find some new significance in its language, while we read again Article IV, section 3, of the Constitution of the United States as follows:

> New States may be admitted by Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State, *nor any State be formed by the junction of two or more States or parts of States* without the consent of the legislature of the State concerned, as well as of Congress.

Mr. President, I do not argue that the constitutional injunction forbidding the formation of any State by the junction of two or more States applies as well to the formation of a new State by the junction of two Territories. Nevertheless, in view of the fact that, in the ordinance of 1787, and that in almost all of the acts of Congress creating Territorial governments since the adoption of the Constitution and down to the present day, the Territories are referred to as *States*, there does seem to be *some* foundation for such a construction of the article of the Constitution which I have just read. But that is not my argument here. I am contending that the *principle* and the *rule* of the constitutional provision which forbids the formation of a State by the junction of two States have *already* been made to apply to the case of Arizona and New Mexico, and that by its own enactment of law Congress is enjoined from forming a new State by joining them without the consent of the people of each and both of these Territories.

And I am showing, Mr. President, that the people of Arizona, through their Delegate and otherwise, are protesting, and have right to protest, against the enactment of this measure on the ground that it would be a violation of a compact made and existing between Congress and the people of that Territory.

I will attempt to show that the *status* of the people of Arizona is different from the status of the people of any other Territory of the United States, now existing or that has been created since the beginning of the last century; that their present autonomy and their ultimate right to statehood rests not upon uncertain construction, but is expressly guaranteed by an act of Congress having the same force as the charter of compact embodied in the ordinance of 1787 in respect to the people then inhabiting the territory northwest of the Ohio. Out of the territory of the Northwest Ohio was established as a State in 1802 and there were created, from time to time, other Territories for which separate governments were established by Congress—

first, Indiana Territory in 1800; Michigan Territory in 1805, and Illinois Territory in 1809.

In the separate acts creating these three Territories, it provided that there should be established within the said Territory a government in all respects similar to that provided by the ordinance of 1787; "and the inhabitants thereof shall be entitled to and enjoy, all and singular, the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River" by said ordinance.

And finally, on April 20, 1836, Congress passed the act establishing the Territorial government of *Wisconsin*, which was also a part of the Northwest Territory; and this act also specifically extends to the inhabitants the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio by the articles of the compact contained in the ordinance of 1787.

But we find, however, that Congress, for the first time in the history of the creation of Territorial governments, provided in the act creating the Territory of *Wisconsin* that—

"Nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories in such manner and at such times as Congress shall, in its discretion, deem convenient and proper; or from attaching any portion of said Territory to any other State or Territory of the United States."

Such proviso was, in effect, a reservation of discretionary powers in Congress; and it forms a precedent which has been followed in all of the acts creating Territories of the United States since the act creating the Territory of Wisconsin in 1836 down to the present day, except in the case of the Territory of Washington, in which the proviso is omitted entirely, and in the case of the Territory of Arizona, where reservation of the power of Congress to *attach any part of its territory to any other State or Territory* is omitted.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Before the Senator leaves that particular branch of his very interesting argument, I beg leave of the Senator to make a statement which will complete the history of that.

Mr. BARD. I have not completed it yet.

Mr. BEVERIDGE. I will ask the Senator if it is not true that when the ordinance of 1787 was originally drawn it provided for ten States out of the Northwest Territory, giving their delimitations, and that Congress itself changed it from ten States to five States, thus beginning the policy of Congress, which has been continued since, of making the States progressively larger; and whether it is not true that the original subdivision of the Northwest Territory into ten States, which was rejected by Congress, was urged upon the ground of maintaining equilibrium upon the part of this new territory and the States east of the Alleghenies, and was rejected by Congress and made into five States instead of ten because they did not think that position was tenable?

Mr. BARD. I am unable to tell the Senator what was the reason for it.

Mr. BEVERIDGE. What was done was that originally it was proposed to make ten States out of the territory of which there are now five, and Congress, by committee, the chairman of which was an ancestor of a Member of this body, rejected that plan as originally drawn and adopted the plan of five States, upon the theory, even at that early time, that there were States in the Union which were entirely too small. In this portion of his very interesting and well-connected historical address, I thought perhaps the Senator from California would not object if I put in that statement.

Mr. BATE. Before the Senator from Indiana sits down, with the permission of the Senator from California, I should like to ask a question.

Mr. BARD. Certainly.

Mr. BATE. Is it not true that the territory embraced within Arizona and New Mexico is larger than all the five States or the ten States he speaks of—aye, nearly twice as large?

Mr. BEVERIDGE. With the permission of the Senator from California, I should be very pleased, indeed, to answer the question of the Senator from Tennessee, but I fear I should want to answer it more comprehensively than would be quite courteous to the Senator from California in his time.

With the permission of the Senator, I may state, however, in answer to the question of the Senator from Tennessee, that this new proposed State is much less in area than the State of Texas; that the distances are not so great as at least in two other States of the Union.

Mr. BATE. They have a right to divide it up into five States, a right not given in this bill.

Mr. BEVERIDGE. Yes; and if it is desired that there shall be more Senators from that section of country, why does not Texas, well settled and well populated, avail herself of that opportunity and send ten Senators here?

Mr. BARD. I have just quoted, from the act creating the Territory of Wisconsin, what is a reservation of discretionary powers in Congress, and this forms a precedent. This proviso with reference to Wisconsin—I want to be particular—this proviso with reference to Wisconsin is found to be identical as to phraseology with that of the act of June 12, 1838, creating the Territory of *Iowa;* the act of August 14, 1848, creating the Territory of *Oregon;* the act of March 3, 1849, creating the Territory of *Minnesota;* the act of September 9, 1850, creating the Territory of *New Mexico*, and on the same date the act creating the Territory of *Utah;* the act of March 30, 1854, creating the Territory of *Nebraska*, and on the same date the act creating the Territory of *Kansas;* the act of February 28, 1861, creating the Territory of *Colorado;* the act of March 2, 1861, creating the Territory of *Nevada*, and on the same date the act creating the Territory of *Dakota;* on March 3, 1863, creating the Territory of *Idaho;* the act of May 26, 1864, creating the Territory of *Montana;* act of July 25, 1868, creating the Territory of *Wyoming*, and the act of May 2, 1890, creating the Territory of *Oklahoma*.

Congress has several times exercised its discretionary power thus expressly reserved *to divide* a Territory, as in the case of the division of the Territory of Dakota, of which two States were formed, and in the case of the original Territory of New Mexico, of which Arizona was at one time a part, and also in the case of Utah, which was originally bounded on the west by California, but out of which the State of Nevada was taken, and in the creation of the Territory of Iowa out of a portion of Wisconsin.

But Congress has rarely exercised its power of attaching a portion of a Territory to any other State or Territory. The new Territory of Idaho, organized in 1863, included within its boundaries a part of the Territory of Washington, though the right to attach a portion of Washington Territory to any other State or Territory was not reserved in terms in the act creating that Territory.

The fact that this proviso is found in all of the acts creating many of the Territories certainly indicates that Congress regarded it *necessary* to specifically make a reservation of the right to divide the Territory or to attach portions of it to other States, which right otherwise would appear to be waived by the act of Congress creating a Territorial government in which the autonomy of the people is recognized.

If it be admitted that it was *necessary* that such reservation of the right to attach portions of the Territory to any other State or Territory should be specifically made, then it follows that the *omission* of such a reservation in the act creating the Territory of Arizona implies that Congress intended to give to the people of Arizona an assurance that no portion of their Territory will ever be attached to New Mexico or any other State or Territory.

It is true that Congress has, under the Constitution, plenary power to govern the Territories; but a Government such as ours, when dealing with dependent territory, will exercise such power only according as its wisdom shall deem politic, wise, and just, having regard for the interests of the inhabitants of the territory as well as for the common weal. Congress exercises such power *without qualification* when it governs *newly acquired* territory. It sometimes establishes for such territory military or provisional government, or a government by an executive and judges appointed by the President, who together constitute the legislature for the territory. In such a government the people do not participate.

But in a Territorial government, such as that of New Mexico or Arizona, Congress provides that the executive and the judges shall be appointed by the President, but it gives to the *people* the right to elect the legislature; and the authority conferred upon the legislature extends to all rightful subjects of legislation not inconsistent with the Constitution and the laws of the United States, and such laws stand unless disapproved by Congress.

The granting to the people by Congress of a part of its constitutional power to govern the Territory brings into play the doctrine of the consent of the governed, and creates an autonomy which never has been revoked and never ought to be revoked.

This autonomy belongs to the people "*within the Territory*" of Arizona as it is now constituted and they can not be justly

deprived of it in the manner proposed by this bill. Congress has reserved the right to change the boundaries and to divide the Territory of Arizona, but it has *not* reserved the right to revoke or to discontinue its grant to the people of the limited right of local self-government without the consent of the people.

Let it be observed that Congress has never, in any act creating a Territorial government, reserved to itself the discretion to attach the *whole* of one Territory to another Terrtiory, or to consolidate the governments of two Territories. If it be contended that the right of Congress to unite the *whole* of one Terriory with another, as proposed by this bill, is unquestionable, then it is pertinent to inquire, Why was it necessary or important for Congress, in almost all of the acts creating Territories, to reserve the right to attach *a portion* of one Territory to another State or Territory?

I have said that the precedent formed by these provisos has been followed in all of the acts creating temporary governments of the United States since 1836, except in two of them. One of these exceptions I have referred to as relating to the Territory of Washington, where the proviso is entirely omitted.

The other exception is very remarkable, and I desire especially to call attention of the Senate to the important change in the character and phraseology of this proviso in the case of the act of February 24, 1863, providing a temporary government for the Territory of Arizona, which, as it will be remembered, had been a part of the Territory of New Mexico.

The Arizona proviso is as follows:

Provided, That nothing in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such times as it may deem proper.

This reserves to Congress the power to divide the Territory and follows the precedent to that extent only; but it omits the usual reservation of the right to "*attach any portion of the Territory to any other State or Territory of the United States*," which is contained in every one of twelve acts creating Territorial governments passed by Congress from 1836 to 1863, excepting only the act relating to the Territory of Washington.

This omission is notable, and its significance is accentuated by the fact that, in the act providing for the temporary government of the Territory of *Idaho*, passed in the same session of Congress and about one week later, the usual proviso reserving the right of Congress to *attach* portions of the Territory to any other State or Territory was retained. And the identical proviso contained in the act creating the Territory of Idaho, as well as in the twelve Territorial acts before 1863, is also contained in the later acts of 1864, 1868, and 1890, creating the Territories of Montana, Wyoming, and Oklahoma.

I contend, Mr. President, that this notable omission of the reservation to Congress of the discretion to *attach* any portion of the Territory to any other State or Territory, in the case of Arizona, supports my contention that it was the intention of Congress to give to the people of the Territory of Arizona an assurance that the Territory would never again be joined to that of New Mexico.

In view of the circumstances, it is impossible to believe that the reservations of the right "to change the boundaries" of Arizona could be construed to mean a reservation to Congress of the right to consolidate the whole of the Territory with another State or Territory.

But, Mr. President, there is something even more remarkable and important in the act providing a temporary government for the Territory of Arizona; and I *rely* upon it, mainly, to support my contention that there exists a compact between the United States and the people of the Territory which forbids Congress to pass this measure—and I am gratified to observe that I have at this point the attention of Senators.

The act contains a second proviso, which reads as follows:

Provided further, That *said government* shall be maintained and *continued* until such time as the *people residing in said Territory* shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

You will look in vain for any similar provision if you expect to find it in any of the acts creating Territories passed since 1822. You must go back and examine the ordinance of 1787 or the acts creating the separate Territories of Ohio, Indiana, and Illinois, originally parts of the territory northwest of the Ohio, to find any legislation by Congress which in the least resembles it.

This second proviso in the act creating the Territorial government of Arizona is remarkable in that it is the only legislation since the beginning of our Government which recognizes, *in express terms*, the right of the people of any Territory, sooner or later, to form a State government and apply for and obtain admission into the Union as a State. Indeed, the *subject* of statehood is not even mentioned in any other act creating a Territorial government except in the acts creating the Territories of New Mexico, Kansas, and Nebraska; and in them the only reference to statehood is in the proviso which I have already quoted, and which for sake of emphasizing the reference I quote now once more. It reads as follows:

And provided further, That *when admitted as a State* the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.

There is neither mention of, nor reference to the subject of admission of a State to statehood in any of the acts creating the Territories of Missouri, Alabama, Arkansas, Louisiana, Wisconsin, Iowa, Oregon, Minnesota, Utah, Washington, Colorado, Nevada, Dakota, Montana, Wyoming, or Oklahoma.

But this second proviso in the act creating the Territory of Arizona not only recognizes, by express terms, the right of the people residing in said Territory, ultimately, with the consent of Congress, to form a State government and apply for and obtain admission into the Union as a State, but it assures the people that the temporary government so formed shall be "*maintained and continued* until the people residing in *the said Territory of Arizona*" shall take the initiative to form a State government.

I have called the proviso a compact between the Congress and the people of the Territory of Arizona, similar to the Articles of Compact contained in the ordinance of 1787, which assured to the inhabitants of the territory northwest of the Ohio certain important rights, privileges, and advantages, among which was the right to maintain the boundaries of their separate States or Territorial subdivisions, and eventually to be admitted as States of the Union.

Is there any difference, in point of obligation and national faith, between an ordinance and such a proviso as is found in the act creating the Territorial government of Arizona? Will anyone contend that the difference in the forms of contract is material? Are not the ordinance and the acts of Congress of equal force? Will it not be as gross a violation of good faith for Congress to ignore its solemn agreement with the people of Arizona and compel them to submit to the conditions which this bill imposes as it would have been for Congress to ignore the ordinance of 1787 in the creation of Territories and States in the territory northwest of the Ohio?

The people of Arizona are *not* applying, and have *never* asked Congress for the privilege of again becoming united with New Mexico, or thus united, of becoming a part of a State. On the contrary, they are entering a vigorous protest against this bill.

I regret that the Committee on Territories did not preserve in writing the testimony given at its hearings on this bill in the early part of this session of Congress; but, being a member of the committee, I am justified in stating that there appeared before the committee Governor Brodie, the present governor of the Territory of Arizona; Mr. WILSON, the Delegate in Congress from Arizona, and Mr. B. A. Fowler, a well-known resident for many years of Arizona, and who was the Republican candidate for Delegate at the last national election.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. The Senator will do the committee of which he is a member the justice to observe in this connection that no member of the committee of either party requested that the hearing should be taken down stenographically——

Mr. BARD. That is true.

Mr. BEVERIDGE. And that the hearing followed many months of hearings in the House. Of course, if the Senator had requested it, it would have been done.

Mr. BARD. That is very true.

Mr. BEVERIDGE. Nothing was neglected.

Mr. BARD. I am to be blamed, perhaps, because I myself did not request it.

Mr. BATE. I beg in this connection, with the permission of the Senator from California, to state that all the members of the committee were not present. I ask the Senator from California if there was any opponent of the bill in the committee at the time except himself?

Mr. BEVERIDGE. And the Senator will also do the chairman the justice to say that he had notified the members both formally and by telephone and in person.

Mr. BATE. Certainly; but of the minority there were only two here, who attended when we could; the other two were absent, and they are not here yet.

Mr. BARD. I do not think it will be proper for me to speak of what occurs in my committee or the debates which occurred

between members, but I think I am justified here merely in introducing into my remarks what I think every member of the committee who was present will corroborate.

Mr. BEVERIDGE. There is no objection to that.

Mr. BARD. Certain persons appeared there and gave certain testimony, but in the absence of our usual means of obtaining that knowledge and presenting it to the Senate I am justified in giving the information thus obtained to the Senate.

Mr. BEVERIDGE. There is no objecion to that; and, furthermore, I will corroborate any statement the Senator from California may make as to the gentlemen who appeared at the hearing and what they said, because he will make a correct statement of it. I only rose in justice to the committee to observe, and I thought it proper that it should go in the Senator's remarks, that if the hearings were not preserved stenographically it was because no member asked for it.

Mr. BARD. That is true.

The governor and the Delegate are the official representatives of the people of the Territory; and Mr. Fowler, by reason of his long residence and of opportunities recently afforded him, has ascertained the sentiment of the people of Arizona with reference to this matter. All joined in the statement that the people of Arizona are almost, if not entirely, unanimous in their protest against the passage of this bill.

These representatives of Arizona admit that the majority of the people of Arizona understand that it is not probable that Congress can be convinced now that the Territory has yet reached that degree of preparation which fits it for statehood. They also stated that the people of Arizona, rather than to be joined with New Mexico as a single State, will prefer to remain for an indefinite period under their present Territorial government; and they offered the assurance that, if this measure were defeated, Arizona would not again apply for admission to the Union of States, at least until after the next decennial census shall be taken.

I now call the attention of the Senator from Indiana to what follows, for I think it will be a reply to his inquiry a few minutes ago.

It is said that it is not the purpose of this bill to *compel* Arizona to unite with New Mexico into one State, but that it simply gives the people of the two Territories the privilege and opportunity of coming into the Union in that manner, if they desire to do so.

But this is disingenuous and misleading; for, in the last elections for delegates, Arizona cast only *19,667* votes and New Mexico cast *43,011* votes, while Arizona has only 31,677 registered voters, and New Mexico has 64,422 registered voters; and therefore it is plain that under the scheme of this bill the fate of Arizona depends not upon her own people, but upon the wishes and the interests of the electors of New Mexico.

The bill substantially proposes an arbitrary submission to the electors of the two Territories, jointly, the question whether Arizona (which has been assured by Congress of a separate autonomy) shall, without the consent of her people, be joined with New Mexico in a new State. Even though the vote of Arizona should be cast unanimously against the adoption of the proposed constitution, nevertheless it would be within the power of the voters of New Mexico to force upon Arizona people the acceptance of the new State government.

The measure proposes to give Arizona a representation in the constitutional convention of only 44 delegates, while New Mexico, whose separate autonomy is in no degree superior to that of Arizona, is given a representation of *66* delegates. Such ratio of 3 to 2 is based upon the aggregate population of the two Territories; but the inequality in representation in the convention of the two political *entities* would be unjust.

The constitution of the proposed new State of Arizona must provide for the adjustment of the differences in the customs, the civil procedures, and the debts of the respective Territories. Emphasis has been given in the memorials protesting against the jointure to the *differences* that exist between the two peoples in respect to their race origin, their local customs, habits, and institutions, their ideals and ambitions. Now, under such circumstances the Arizona delegates in the constitutional convention would be utterly powerless to secure a fair adjustment of these differences.

The bill sets before the people of both Territories, as a consideration for their acquiescence, the seductive offers of the grant of public lands larger in area than has ever been granted before to a new State at the time of its admission and also the grant of $5,000,000 in ready money.

When the proposed constitution shall be submitted there will be called at the same time, as is usual in such cases, an election for State, county, and township officers. Think of the candidates, estimated at 1,000 in number, who will be interested in the result, and of the conversions they will make for adoption of the constitution, in order that their candidacy shall not be without results. Qualified voters of both Territories, under such conditions, will be seduced, and, throwing their convictions to the winds, will vote for the constitution in order that their friends or the hundreds of candidates of their party may win the offices.

When in the history of our Republic has a community of American citizens so considerable in number and having their own organized government ever been treated as this bill proposes to treat the people of Arizona?

Mr. President, American communities, and especially those who have blazed the way for the advance of American civilization, enduring the hardships of frontier life, and consecrating their energies of mind and body to the development of the West and the establishment there of American laws, customs, and institutions, are naturally proud of their achievements, their history, and their traditions.

The bill proposes to give the name of Arizona to the proposed new State. It is impossible for such a proud, liberty-loving community of American citizens to be conciliated by such a proposition, or even to receive it with patience.

On the contrary, they will resent such a proposition as a mockery of their distress and an outrage upon their sensibilities as a people. The preservation of the identity of the people of a community can be accomplished only by the preservation of its territorial boundaries. Such use of the name of Arizona is no compliment to them and can not be a compensation to them for the loss of their identity as a separate people.

Some of the people of Arizona regard their Territory as, in a measure, the ward of California, and the commercial and social relations between these two peoples are very close. As my residence is in the southern part of California, which is especially thus closely connected with Arizona, I have opportunities of knowing the sentiment of the people in respect to statehood.

I am pleading for Arizona; not that she may *now* be exalted to the rank and dignity of a sovereign State of the Union, but that she may be spared the humiliation of being deprived of her separate autonomy, which has been recognized for more than forty-one years, and that she may not suffer the degradation which this bill proposes to inflict by forcing her people, against their wishes and protest, under circumstances which are beyond their power to prevent, and upon unequal terms, to be joined forever with her sister Territory of New Mexico.

And I am pleading, also, for the honor of the Congress, that there shall be no violation of good faith with which, as I firmly believe, it can justly be charged if it ignores, as this bill proposes, the compact contained in the act creating the Territory of Arizona, between Congress and the people residing in that Territory.

The repudiation by our Government of any of its obligations or promises would be a reproach to our people, and must inevitably have serious consequences.

The saddest in the train following the violation of its faith by any government will be the patriotic citizens who are shorn of their confidence in the efficiency and honesty of the administration of their government and weakened in their faith in the strength and wisdom of their institutions.

The people believe that "righteousness exalteth a nation." And, Mr. President, I submit that to the minds of the common people of this country this bill will not appear to be righteous. They will be able to put no other construction upon the provisos in the act creating the Territorial government of Arizona, to which I have referred, than that it was a solemn guaranty that for all time the people of Arizona may of right enjoy within their present territorial boundaries a continuous separate autonomy and ultimately to become a sovereign State in the Union, and that to despoil them of such right is unjust, unwise, and dishonorable.

The amendment which I shall offer proposes to strike out sections 19 to 37, inclusive, being all of the provisions of the bill relating to the Territories of Arizona and New Mexico.

If the amendment shall be accepted by the Senate, then the proposition for the admission of the new State of Oklahoma would stand alone, and it is quite evident that Senators are almost of one mind on that question.

Two years ago I opposed the admission of Arizona and New Mexico as separate States, but *now* I would support such a proposition with my vote if by so doing I could prevent their admission jointly.

And, in conclusion, I suggest that if it is wrong to expose the people of Arizona to the possible danger of being forced, against their will, into a union with New Mexico and if such wrong be consummated by the passage of this bill such wrong can never be undone.

Mr. WARREN. I wish to appeal to the Senator from Indiana [Mr. BEVERIDGE] in charge of the pending measure that he permit it to be laid aside temporarily in order that the Senate may resume the consideration of the omnibus claims bill.

Mr. BEVERIDGE. I ask unanimous consent that the unfinished business, the pending bill, may be temporarily laid aside for the purpose indicated by the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the pending measure be temporarily laid aside. Is there objection? The Chair hears none, and that order is made.

Mr. GALLINGER. I desire to ask the Senator from Wyoming how long a time will probably be consumed in concluding the reading of the omnibus claims bill?

Mr. WARREN. It will not take a long time. I shall be glad to have the reading of the bill completed, and then to offer some committee amendments. It is rather early to go into executive session. There will be plenty of time to do that later.

Mr. GALLINGER. I will say to the Senator from Wyoming that it is rather important that the Senate should go into executive session when there is a quorum present, and if the Senator will yield for that purpose now, there will be ample opportunity to have his bill read in the near future. I hope the Senator will agree to that course.

Mr. WARREN. Mr. President, of course, in view of the request of the Senator I shall have to yield; but I wish to give notice that I shall move to go into legislative session for the purpose of resuming the reading of the omnibus claims bill.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. BEVERIDGE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

INTERMENT OF ROSE DILLON SEAGER.

Mr. WARREN. Mr. President——

Mr. GALLINGER. I will say to the Senator from Wyoming, who has been very kind to me to-day, that I wish to ask for the consideration of a bill, and if there is a single objection to it I will immediately withdraw it.

Mr. WARREN. I shall not make any objection, as I understand the bill is very short and will not consume much time.

Mr. GALLINGER. It is a bill of but five or six lines, which I desire to report from the Committee on the District of Columbia, and ask for its immediate consideration.

Mr. WARREN. Very well.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

I will simply say that this bill is necessary for the reason that this most estimable young woman, a citizen of the District of Columbia, died at Panama of yellow fever. Under our laws, while the body could be transported through the city, interment could not be allowed. We have passed similar bills heretofore. The remains are expected from New York on next Wednesday, and hence the haste. I have consulted with the health officer of the District, who very highly approves of the passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the health officer of the District of Columbia to issue a permit for the interment in the District of Columbia of the remains of the late Rose Dillon Seager, formerly a resident of the District of Columbia and a citizen of the United States, who died at Panama January 2, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask unanimous consent for the consideration at this time of the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act."

Mr. BEVERIDGE. I have no objection to that, Mr. President, it being understood that the bill is taken up while the regular business is temporarily laid aside for that purpose.

Mr. WARREN. That understanding has already been had, I believe.

Mr. PETTUS. I should like to have another understanding, which is, that no other business shall be transacted this evening.

Mr. BEVERIDGE. Certainly.

Mr. WARREN. So there can be no misunderstanding, I will say that I merely wish to finish the reading of the bill and to offer the committee amendments which are on my table, to correct typographical errors, etc. Then the bill may pass over without further action.

Mr. KEAN. And that no other business shall be transacted.

Mr. BEVERIDGE. The Senator is asking for an agreement merely that the reading of the bill may be finished?

Mr. WARREN. I am merely asking that the reading of the bill may be finished and that some amendments may be made.

Mr. BEVERIDGE. All right.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Wyoming [Mr. WARREN]?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The reading of the bill will be continued.

The Secretary resumed the reading of the bill, and amendment of the Committee on Claims at the top of page 195, and the reading was concluded.

Mr. WARREN. I have some short and unimportant amendments which I should like to offer to perfect the bill.

Mr. BEVERIDGE. They will not take very long?

Mr. WARREN. Only a few moments.

On page 192, after line 11, I move to insert what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Thomas C. Sweeney, of Wheeling, W. Va., the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863.

Mr. WARREN. On page 185, after line 13, I move to amend the amendment by inserting what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Maj. E. W. Halford, paymaster, United States Army, the sum of $165.44, for refunding money to him which he disbursed through error and without fault on his part for travel pay to enlisted men on discharge.

Mr. WARREN. On page 194, after line 2, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read and agreed to, as follows:

To Wiel & Anumdsen, owners of the Norwegian steamer Ragnar, the sum of $8,524.10, amount found due by Consul-General Goodnow, for damages arising from the collision between said steamer and the United States Army transport Sumner, in the Yangtze River, China, on March 18, A. D. 1902.

Mr. WARREN. On page 181, after line 15, I move to insert as an amendment to the amendment, what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Capt. Archibald W. Butt, quartermaster, United States Army, the sum of $480, amount stolen from the United States in Manila, Philippine Islands, by an employee of the quartermaster's department, by name Jose B. Luciano, the said Capt. Archibald W. Butt having fully paid said sum to the United States.

Mr. WARREN. On page 180, after line 23, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read and agreed to, as follows:

To the Chesapeake Bank, of Baltimore, Md., $2,396.28, the amount found to be due the said bank by the Commissioner of Internal Revenue, under the act of Congress approved February 28, 1901 (31 Stat., p. 1750), for internal-revenue taxes illegally collected.

Mr. WARREN. On page 36, under the heading "Arkansas," after line 5, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Robert Gordon, administrator of Jamison W. Rice, deceased, of Phillips County, $5,705.

Mr. WARREN. Under the heading "District of Columbia," on page 42, after line 17, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Mary J. Carpenter, administratrix of the estate of Benjamin D. Carpenter, deceased, $1,253.

Mr. WARREN. On page 55, after line 24, under the head of

"Maryland," I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Richard P. Blackistone, of St. Mary County, $6,326.

Mr. WARREN. On page 67, after line 5, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To B. E. Gray, administrator of the estate of Mrs. S. M. Davidson, deceased, of Marshall County, $2,370.

To Samuel Worthington, administrator of the estate of Samuel Worthington, deceased, $18,835.

Mr. WARREN. On page 207, after line 12, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To refund internal-revenue taxes illegally collected from owners of private dies, the following amounts, or so much as may be found due by the accounting officers of the Treasury Department, to wit:

To American Match Company, of Cleveland, Ohio, $358.63; Dr. J. C. Ayer & Co., $8,435; Barclay & Co., $211.25; B. Bendel & Co., $584.17; William Bond, $40; B. Brandreth, $1,965; Brocket & Newton, $280; Frederick Brown, $521.71; Joseph Burnett & Co., $249.90; Byam, Carlton & Co., $28,240.75; Centaur Company, $39.58; Clark Match Company, $970; Cowles & Lech, $1,084.52; Curtiss & Brown, $24; M. Daily, $4,395; James Eaton, $4,505; P. Eichele & Co., $7,427.72; Excelsior Match Company, $398.27; B. A. Fahenstock & Co., $100; Fleming Brothers, $1,300; William Gates, $23,104.81; A. J. Griggs, $1,358.75; R. P. Hall & Co., $2,050; Samuel Hart & Co., $2,861; J. E. Hethrington, $95; Hiscox & Co., $12; C. E. Hull & Co., $81.96; Thomas J. Husband, $154.70; T. T. Ives, $85.95; Dr. D. Jayne & Son, $4,321; J. S. Johnson & Co., $279.75; Johnston, Holloway & Co., $102; Kennedy & Co., $126.66; Lawrence & Cohen, $2,862; C. S. Leete, $505.91; John J. Levy, $1,153.20; C. W. Lord (Lord & Robinson), $1,328.27; Andrew S. Lowe, $51; Dr. J. H. McLean, $970; Merchants' Gargling Oil Company, $536.29; A. Messenger, $4,895; Newbauer & Co., $480; New York Consolidated Card Company, $215; Ray V. Pierce, $969.22; D. Ransom, Son & Co., $748.20; D. M. Richardson, $20,955; Richardson Match Company, $4,730.50; H. & W. Roeber, $958.91; William Roeber, $2,804; J. H. Schenck & Son, $1,284; Schmitt & Schmittdie, $2,282.09; J. E. Schwartz & Co., $90; Schwartz & Haslett, $150; A. L. Scoville & Co., $784; H. Stanton, $3,163.25; Swift & Courtney, $4,650; Herman Tappan, $5; E. R. Tyler, $45; A. Vogeler & Co., $265.50; James H. Weedon, $895; World's Dispensary Medical Association, $30.40.

Mr. WARREN. I have here a list of about thirty-five typographical changes, a letter put in here or one struck out there. I will send the list to the desk, and I have given the reporters a bill already corrected. I should be glad to have these amendments adopted. There is no money involved.

Mr. BEVERIDGE. I understand these are nothing whatever except mere typographical errors to make the bill read correctly.

The PRESIDING OFFICER. Does the Senator desire to have the corrections adopted without being read?

Mr. BEVERIDGE. Certainly.

The PRESIDING OFFICER. Without objection, the amendments to the amendment will be considered as agreed to.

The amendments to the amendment are as follows:

Page 32, line 21, correct spelling of "Moore."
Page 32, line 23, period after "dollars."
Page 38, line 10, period after "cents."
Page 42, line 25, hyphen at end of line.
Page 46, line 17, period at end of line.
Page 47, line 3, comma after "Arkansas."
Page 55, line 18, strike out "at" and insert "of" in lieu.
Page 71, line 19, insert "r" in claimant's name, making it "Elmer."
Page 73, line 21, period after "cents."
Page 75, line 19, period after "cents."
Page 82, line 16, hyphen at end of line.
Page 85, line 17, correct spelling of "surviving."
Page 86, line 20, after word "Company" insert words "of Pittsburg, Allegheny County."
Page 88, line 11, correct spelling of "dollars."
Page 91, line 19, change comma at end of line to period.
Page 91, line 20, change period at end of line to comma.
Page 92, line 3, put hyphen at end of line.
Page 92, line 7, period after "M."
Page 100, line 7, semicolon instead of comma at end of line.
Page 106, line 17, put in comma at end of line.
Page 110, line 22, correct spelling of "Episcopal."
Page 119, line 8, correct spelling of "proceeds" and strike out "re-" before the word "covered."
Page 119, line 24, hyphen at end of line.
Page 123, line 5, insert comma after part of word "deceased" in that line.
Page 123, line 16, insert comma at end of line.
Page 124, line 8, insert comma at end of line.
Page 133, line 5, insert comma at end of line.
Page 133, line 18, transpose two final letters in name of decedent, making name read "Welles."
Page 134, line 21, change period to comma at end of line.
Page 134, line 22, change comma to period at end of line.
Page 178, line 16, change semicolon after "ninety-four" to comma.
Page 181, line 13, correct spelling of "eighty."
Page 183, line 23, change comma after "four" to semicolon.
Page 190, line 25, correct spelling of "and."
Page 223, line 14, correct spelling of name, making it "Louis J." at end of line.

The PRESIDING OFFICER. What is the pleasure of the Senate in regard to this measure?

Mr. WARREN. I do not wish to have the bill considered further at this time, but I desire to say that I shall seek the earliest opportunity to call it up and put it upon its passage, of course deferring to the pending business.

Mr. BEVERIDGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, January 9, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, January 6, 1905.

DISTRICT JUDGES.

Robert W. Tayler, of Ohio, to be United States district judge for the northern district of Ohio, vice Francis J. Wing, whose resignation has been accepted to take effect February 1, 1905.

Arthur L. Sanborn, of Wisconsin, to be United States district judge for the western district of Wisconsin, vice Romanzo Bunn, resigned.

MARSHAL.

John B. Robinson, of Pennsylvania, to be United States marshal for the eastern district of Pennsylvania. A reappointment, his term having expired April 16, 1904.

SECOND SECRETARY AT LEGATION.

Irwin B. Laughlin, of Pennsylvania, to be second secretary of the legation of the United States to Japan, vice John Mackintosh Ferguson, resigned.

CONSUL.

Harold L. Lyon, of Minnesota, to be consul of the United States at Chungking, China, vice M. Marshall Langhorne, declined.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. William W. Low to be a captain in the Marine Corps, from the 1st day of December, 1904, vice Second Lieut. John S. Bates, retired, after being due for promotion.

First Lieut. Leof M. Harding to be a captain in the Marine Corps, from the 9th day of December, 1904, vice Capt. Wendell C. Neville, promoted.

First Lieut. Harold C. Reisinger to be a captain in the Marine Corps, from the 15th day of December, 1904, vice Capt. Albert S. McLemore, appointed assistant adjutant and inspector.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1905.

COLLECTOR OF INTERNAL REVENUE.

Henry M. Rose, of Michigan, to be collector of internal revenue for the fourth district of Michigan.

COLLECTOR OF CUSTOMS.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Charles F. Howell to be a second lieutenant in the Revenue-Cutter Service of the United States.

George E. Wilcox, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Muller S. Hay, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Thaddeus G. Crapster, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

ARKANSAS.

H. F. Butler to be postmaster at Warren, in the county of Bradley and State of Arkansas.

NEW YORK.

Herbert B. Eaton to be postmaster at Youngstown, in the county of Niagara and State of New York.

PENNSYLVANIA.

Nelson B. Duncan to be postmaster at Zelienople, in the county of Butler and State of Pennsylvania.

Samuel W. Hamilton to be postmaster at Vandergrift, in the county of Westmoreland and State of Pennsylvania.

Millard F. Mecklem to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania.

Arthur H. Rider to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania.

James R. Underwood to be postmaster at Roscoe, in the county of Washington and State of Pennsylvania.

H. P. Williams to be postmaster at McDonald, in the county of Washington and State of Pennsylvania.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

EXTRADITION TREATY WITH PANAMA.

The injunction of secrecy was removed January 6, 1905, from a treaty between the United States and the Republic of Panama, for the mutual extradition of criminals, signed at Panama on May 5, 1904.

EXTRADITION TREATY WITH SWEDEN AND NORWAY.

The injunction of secrecy was removed from an amendatory extradition treaty between the United States and Sweden and Norway, signed on December 10, 1904.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 6, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. DALZELL. Mr. Speaker, I move that when the House adjourn to-day, it adjourn to meet on Monday next.

The motion was agreed to.

REGULATION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I want to call the attention of the House to Senate bill 5306. The bill was reported from the Committee on the Merchant Marine and Fisheries. A question arose as to a point in the bill, and the committee directed me to request the return of the bill to the committee. I made the request, but by some means it did not reach the Journal of the House, at the conclusion of the session. I therefore now ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill, and that the bill and report be recommitted to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of a bill the title of which will be reported by the Clerk, and that the same be referred to the Committee on the Merchant Marine and Fisheries. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 5306) to amend certain sections of Title LII of the Revised Statutes of the United States entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, we were unable to hear the statement of the gentleman. We would like to know what he wishes to do with the bill.

Mr. GROSVENOR. I want it to go back to the Committee on the Merchant Marine and Fisheries for further examination in connection with certain matters which have transpired since the bill was reported out.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

The SPEAKER. The Chair had a memorandum of two gentlemen on the Democratic side of the House, as he recollects, who desired to be recognized, each to call up a bill, and as the Chair recollects, a bridge bill. The Chair has lost his memorandum, and he calls attention to the matter and submits the request in the presence of the gentlemen. The Chair will recognize either or both.

Mr. LIND. Mr. Speaker, I have a bill, but it is not a bridge bill.

The SPEAKER. The gentleman from Minnesota.

GULL RIVER LUMBER COMPANY.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, to the Gull River Lumber Company, its assigns or successors in interest, a deed of quitclaim and release, quitclaiming and releasing all the right, title, and interest of the United States of America in and to the following real property, lying and being in the county of Cass, in the State of Minnesota, and described as follows: Lots 1, 2, 3, 4, and 5, sec. 20, T. 135 N., R. 29 W.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to hear some explanation.

Mr. LIND. Mr. Speaker, some years ago the Government planned to construct an additional reservoir in the northern part of our State. There are already two or three up the Mississippi, and this was called the Gull River Reservoir. In pursuance of that plan, it obtained conveyance of flowage rights from the settlers without compensation. The project has been abandoned, and this simply authorizes the Secretary of War—and it has the recommendation of the War Department—to reconvey the flowage rights that were granted under the original scheme, and only to reconvey in cases where no consideration was paid for it by the Government in the first instance. The bill has the approval of the War Department. I suppose the property is worth nothing to the Government or to anyone else except to the riparian owners. It is virtually a bill to clear the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the last vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. And pending that motion I would like to fix the time for closing general debate.

Mr. LIVINGSTON. Mr. Speaker, the gentleman from Alabama [Mr. TAYLOR], the ranking member of the subcommittee, is not present. I would like to have an understanding with the gentleman in charge of the bill as to whether we shall have any discussion on the bill in the nature of general debate.

Mr. LITTAUER. Personally, I have had only one request for fifteen minutes. I think we could get along with a half an hour on each side.

Mr. LIVINGSTON. Does any gentleman on this side wish for time?

Mr. BAKER. I want a little time.

Mr. LIVINGSTON. How much does the gentleman want?

Mr. BAKER. Oh, you had better make it an hour.

Mr. LIVINGSTON. I think we had better make it an hour on each side. I have only one request for time.

Mr. LITTAUER. Will not half an hour on each side be sufficient?

Mr. BAKER. I will withdraw my request.

Mr. LIVINGSTON. Then we will make it a half hour on each side.

The SPEAKER. Is there objection to half an hour for general debate on each side on the bill? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. LITTAUER was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. BOUTELL in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. LITTAUER. Mr. Chairman, this bill as submitted to the House carries appropriation of $6,747,893. About one-third of that amount, $2,000,000, is for the repair, preservation, and modernizing of our seacoast defense plant, of gun and mortar batteries and their armament. About one-quarter of the amount, $1,555,000, is for range and position finders and the system of fire control; $700,000 is for submarine defense; $200,000 for searchlights; $800,000 for ammunition for seacoast guns, for practice and for reserve supply. Then come items amounting to $1,800,000, which do not appropriately belong to seacoast fortification; $877,000 for artillery, to be used by armies in the

field, with ammunition for practice and for reserve supply, and finally the item of $936,000 for fortification of our insular possessions.

While this bill carries appropriations of $770,300 less than the fortification appropriation bill of last session, yet we have appropriated $513,000 more for submarine defense and $275,000 more for range and position finders. While on the other hand last year we appropriated $800,000 for the purchase of new sites and erection of new batteries, while this year we submit no appropriation whatever for these purposes. Again, last year we appropriated $1,210,000 for guns for seacoast fortification, while this bill carries but $182,000 for that purpose. Now, Mr. Chairman, these figures merit the attention and careful consideration of the committee.

Mr. LIVINGSTON. Mr. Chairman, before the gentleman leaves that line of thought, I will ask him to indicate to the House where the cut comes between the estimate and the appropriation? Does it come on the Atlantic coast, the Pacific coast, or where does it come—nearly four millions of money? I will state that the members on this side of the House are interested in that question.

Mr. LITTAUER. The amount recommended for expenditure by the engineers, which includes the building of emplacements, fortifications, and all material connected therewith, is $532,600 less than the estimates. The recommendation for the artillery is $687,000 less than the estimates. Then we appropriate for fire control installation $651,852 less than recommended. When we reached the subject of insular fortification we cut the recommendations from the estimates $1,675,000.

Mr. LIVINGSTON. In which colony does that appear?

Mr. LITTAUER. The gentleman will have to help me out in his designation of "colonies."

Mr. LIVINGSTON. I mean insular possessions.

Mr. LITTAUER. The specific appropriations are shown in the report, toward the end of page 4.

Now, Mr. Chairman, the figures that I have given mark the beginning of a new plan and a departure from the progressive installation of the Endicott scheme for the defense of our harbors, which was inaugurated in 1889, and toward which during the next seven years twenty-two and one-half millions of dollars were expended, while during the last nine years ninety millions of dollars have been appropriated, and this includes $35,800,000 voted in the Fifty-fifth Congress—at the outbreak of and during the war with Spain.

The former Secretary of War, in his report for 1903, estimated that to complete this scheme, including barracks and quarters, would cost $50,852,694, while his successor, the present Secretary of War, in the report for 1904, makes his estimate $65,346,082. The magnitude of these figures demanded a thorough and comprehensive reexamination of the entire scheme, and your committee advises that further progress in installation now cease, because the complement of heavy guns is nearly complete, while the provision for rapid-fire guns has been about one-half completed. The Endicott scheme for the fortification of our harbors, thirty-one in all, provided for 364 guns of largest caliber, 8, 10, and 12 inch, of which 334, or 91 per cent, are already emplaced or provided for. It also provided for 524 12-inch mortars, and of these 376, or 71 per cent, are already emplaced or provided for; and, in addition, 1,296 rapid-fire guns, of which 587, or 45 per cent, are in like condition.

Now, with these facts before us, and with the positive assurance that the chief harbors of our country have, mounted in their fortifications and ready for use, guns and mortars sufficient to offer an effective defense against any attack from the sea, and cause any thoughtful naval commander, who had not ships to lose, to hesitate before approaching our harbors, your committee has reached the conclusion that it is now time to call a halt in the Endicott scheme, stop any additional installations whatever, and devote our energies as represented by appropriations to thorough utilization of what we already have installed.

This bill is based upon that policy. In following out that determination—to put what we already have in most efficient shape—we begin with the gun emplacements, and, instead of building additional ones, as we have been doing year after year, we begin to modernize those we already have. Bear in mind that when this scheme was originated a proper service for heavy guns was supposed to be that they could be fired once in every five or eight minutes; but the development of the battle ship and the armored cruiser, along the line of an enormous supply of rapid-fire artillery, made it necessary to greatly increase the rapidity of fire on land. This contingency was met with improved gun construction, with improved disappearing carriages, and with smokeless powder, which had not even been invented at the time this scheme was inaugurated. So that to-day our great guns can be fired almost as rapidly as what were formerly termed "rapid-fire guns."

We have demonstrated that we can fire them accurately at least once every minute, and, at times, every forty-five seconds. Now, in connection with such rapidity of firing, there must necessarily come many accessories in the batteries and emplacements. The magazines must be of greater capacity to hold the larger amount of powder and projectiles, and they must be proof against dampness, in order to preserve the smokeless powder. The gun platforms must be larger, in order to handle the greater amount of material. The means of handling these great projectiles, weighing 800 and 1,000 pounds, from the magazines to the firing platform must be improved. Formerly this was done by crane and hand power, but now electrically operated, continually running belt hoists are needed to do the work. An estimate has been made of the cost of modernizing these emplacements, which would amount to some nine hundred and odd thousand dollars. We have recommended an appropriation to begin this work in this bill of $450,000.

Next we come to the guns, and again, instead of providing amply for a large manufacture of new guns, we appropriate half a million dollars to improve and modernize the older and earlier built guns to bring them up to the point of efficiency of those latest made. It is estimated that it will take three years of like appropriations to complete the work, if, fortunately, in the meantime we may not be able to devise new means of still further increasing the efficiency of these guns, for we are very fortunate, indeed, in that not a single one of the guns in our seacoast forts has as yet become obsolete; we have been able to add improved equipment to each one of them, so as to make them quite as efficient as those of the latest and newest designs.

Next we proceed to searchlights, and there we increase the usual annual appropriation by one-third, realizing that guns at night are practically useless without the aid of searchlights, and that this has been emphasized greatly in recent experience.

Now we have two great lessons from the experience of the Japanese and the Russians on the seacoast side of Port Arthur, from the standpoint of coast fortifications. First, in the sea, the demonstrated effectiveness of submarine mines, and, second, from the land side, the practical uselessness of guns of long range without a proper system of direction and fire control. The Japanese gun fire, if I am properly informed, has sunk only two ships of large size, while the Russians have lost seven battle ships, nineteen cruisers, and thirty-six torpedo boats and torpedo-boat destroyers. This is a unique experience, and bears testimony to the great efficiency of submarine mines. Then, from the land side, not a single Japanese vessel has succumbed to the fire of the long-range guns in the fortifications of the harbor at Port Arthur, despite the fact that the Japanese fleet continually maneuvered within the range of these guns, thus proving that shots are simply wasted when directed against vessels at a longer range than 2 miles, unless the fire be controlled by a proper system of range finders and fire control. The value of submarine defense, properly known as the first line of defense against attack from the sea, is nowhere in the world so important as in our own country, because of its immense coast line and numerous harbors.

Moreover, our military policy, which provides only for a skeleton army, to be filled in by militia and volunteers at the outbreak of war, makes it indispensable that we should organize our forces in such a way as to gain time and prevent sudden attack at the outbreak of war. We ought, therefore, to continually provide for an effective submarine defense to secure to us this precious time to prepare in other directions. Now, until recently your committee has been informed by the engineers, who formerly had control of our submarine defenses, that they were amply provided for, and could be effectively laid down within ten days of any emergency, and that they were so laid down within ten days at the outbreak of the Spanish war.

This year we are confronted by the able report of a member of the General Staff who has investigated this subject, and who declares that our harbors are literally unprovided with submarine defense—that not a single harbor in the United States has mine material at hand to lay down an effective defense within the time called for by usual war conditions. The army reorganization act placed the control and care of submarine defense in the hands of the artillery, and the Secretary of War has ordered formed the torpedo board for this purpose. That board concurred in that opinion, so that your committee was led to conclude that our submarine-mine equipment was far from complete and that it was our duty properly to provide for deficiencies, lest this necessary element of defense might either fail or become practically useless in time of emergency. The torpedo board, at the order of the General Staff, has made a detailed estimate of what it will cost to supplement the ma-

terial we have to provide for a complete submarine defense. It estimates that that equipment will cost, for all the harbors of the United States, $2,634,276, to which must be added $1,185,144 to provide the submarine defense designed to be laid in the eastern entrance of Long Island Sound—a total of $3,819,000. Now, if that estimate of less than $4,000,000 is in any way approximately correct, the amount sinks into insignificance when compared with the value of a single battle ship, which costs twice as much, particularly so when we reason that this submarine defense is a guaranty of safety not only for the protection for the thousands of millions of dollars' worth of property in our harbors, but it will enable our powerful and costly Navy to go forth to perform its proper work on the seas, confident that every harbor on our coast is secure against sudden attack. For this submarine defense we have recommended $700,000, the entire amount estimated, which will complete the equipment in about five or six years.

Mr. MANN. Do they remain equipped?

Mr. LITTAUER. The material can be so stored as to practically remain good for from twenty to fifty years; we have had no great experience. The suggestion has called to my mind another matter, and that is in time of peace we can procure this equipment economically, but to wait until the outbreak of war, when people become stampeded at the vaguest prospect of attack, as was the case at the outbreak of the Spanish war, and then to rush into wasteful expenditure, as we did then, will prove false economy, for we have learned very thoroughly that what we need for submarine defense can not be had at short notice.

The next subject to which I will call your attention is the range and position finding equipment and fire-control system that we have developed. Our artillery has devised a system of this kind which is unequaled in the world. It is based on long horizontal lines, sighting the angles of ships, reporting them to a central station by telephone or telautograph, where the direction of the gun is given to the men behind the guns. It is so accurate that effective shots are continually fired from guns and mortars, some when the target representing the ship can not be seen by the gun crews. It has proven that we can discharge effectively our great guns at an extreme range up to 6 miles, while without this position-finding and fire-control system shots at a longer range than 2 miles are practically useless and thrown away. It adds a great advantage to the land gun over the gun on the battle ship. We have appropriated a large sum for the general installation of these range and fire control systems—something like $1,555,000—about the same as we appropriated last year. It is a matter that must grow progressively on year after year. The system has been fully tested and fully approved. The Board of Ordnance and Fortification report that they know of no object for which money can be more effectively expended, or from which greater benefit can be derived. General Storey, the Chief of Artillery, states that to double our armament would not increase the effectiveness of our defense as much as would the complete installation of the approved position finding of guns already mounted.

Next we come to the recommendation in connection with insular fortifications. In conformity with oft-repeated recommendation by the Secretary of War, we began last year to make appropriations for insular fortification. We appropriated $1,318,000 for a beginning. Your committee, after much consideration, determined that we should spend a like amount during the coming year. We appropriate specifically $936,000 and then authorize the transfer of $380,000 worth of surplus guns that we have on hand, so that the total appropriation is within a couple of thousand dollars of what it was last year. There has been no complete project for insular fortification yet developed. Its necessity is obvious, particularly at harbors where there are naval stations. There have been suggestions that we ought to have a second board for insular fortifications similar to the Endicott Board. We have made plans for emergency emplacements at practically all the larger harbors, and surveys have gone on at even some of the smaller harbors like Iloilo and Cebu.

The appropriation of last year was spent entirely, or will be spent entirely, at Subig Bay and Manila. The design is, in the estimates of this year, that whatever we will appropriate will be spent at the same place in connection with a moderate amount at Guantanamo. We omitted Hawaii for this reason. The estimate was $526,000 for the sites needed for emplacements. We gave $200,000 last year. Part of the sites were purchased. The engineers stated that if we gave them money this year they would do no fortifying, but would simply buy more land. And in the spirit of what we believed to be proper economy, and to give them opportunity to let the price of the land go down, we thought we would defer appropriation for more land until we are ready to begin fortification.

Now, I think, Mr. Chairman, that that completes what I have to say about the bill. [Applause.]

Mr. ROBINSON of Indiana. I have never charged the committee with dereliction of duty, but I have understood that the Bureau of Ordnance and Construction, under a misinterpretation of Congressional enactment, have gone to such wild ventures in the building or promoting engines of war that they have permitted, to the extent of $100,000, the building of a Langley air ship. I want to ask the gentleman from New York [Mr. LITTAUER] whether the committee has directed any appropriation to that Bureau of Ordnance and Fortification, or whether the Department has taken any stand with reference to any further expenditure upon that line?

Mr. LITTAUER. I will say to the gentleman from Indiana he might properly ask the Board of Ordnance and Fortification, the professional advisers of this House, with reference to these technical matters.

Mr. ROBINSON of Indiana. Will the gentleman then, as the professional adviser of the committee of the House, state what has been the policy adopted recently, and if it includes anything new with reference to the expenditure for the Langley air ship?

Mr. LITTAUER. All I can say to you is that the Board, on March 3, 1904, reported that they were not prepared to make an additional recommendation at this time for conducting the work on the Langley aerodrome. I would also say that we reduced the usual recommendation of appropriation for the Board of Ordnance and Fortification from $100,000, where it has stood for many years, to $10,000, because we found that they had an unexpended and unallotted balance of $216,000 on hand July 1, 1904.

Mr. ROBINSON of Indiana. Well, I think the gentleman has fully explained the proposition. I am glad that he is protecting the public from such a fantastic expenditure.

The CHAIRMAN. The gentleman from New York has six minutes of his time remaining.

Mr. LITTAUER. I reserve the balance of my time.

Mr. LIVINGSTON. I have no application for time.

Mr. BAKER. I wish the gentleman would yield to me.

Mr. LIVINGSTON. How much time does the gentleman want?

Mr. BAKER. About ten minutes.

Mr. LIVINGSTON. I yield ten minutes to the gentleman from New York.

Mr. BAKER. Mr. Chairman, I would like to ask the chairman of the subcommittee having charge of this bill a question before I make one or two remarks. As understood, in response to a question of the gentleman from Indiana [Mr. ROBINSON], he said that certain army officers were the technical advisers of this House. When did this House select these technical advisers? And if this House never selected them, how can they be called advisers of a body that had nothing to do with their selection?

Mr. LITTAUER. I will refer the gentleman to the legislation which formed this Board of Ordnance and Fortifications, which makes them practically, as I stated they were, the advisers on all technical matters in connection with ordnance and fortifications.

Mr. BAKER. Did the legislation to which the gentleman refers me provide who was to constitute this Board? Were they appointed by this House?

Mr. LITTAUER. It provided how the Board was to be constituted.

Mr. BAKER. Were they appointed by this House?

Mr. LITTAUER. They were not.

Mr. BAKER. Then how can they be called the technical advisers of this House when this House never selected them? [Laughter and applause.]

Mr. LITTAUER. I believe the legislation specifically provided that they shall be the Chief of Ordnance, the Chief of Engineers, and the Chief of Artillery.

Mr. BAKER. They are not selected, then, by this House?

Mr. Chairman, on yesterday it will be remembered that the gentleman from Missouri [Mr. CLARK] endeavored to obtain explicit information as to when this bill would come up for discussion in this House, and he failed to obtain that information. The reply of the chairman of the subcommittee having charge of the bill, evasively, was, "As soon as I can get an opportunity to be heard." The gentleman from Missouri [Mr. CLARK] then pressed his request for more definite information, and Mr. LITTAUER replied that he would either bring it up to-morrow or on next Tuesday.

Now, Mr. Chairman, I want to enter my protest here and now against legislation being enacted in this manner. I do not speak now against the bill particularly, but am protesting against your present methods of legislating, which in effect

require that men be here and be in their seats every moment primed and fortified all the time with all available data on bills on which they wish to speak; that they have got to have their data constantly with them, as such a bill as this may be called up without their having any foreknowledge that it is to be considered.

Now, I have taken pains to collect some data bearing upon this subject. That data is not available here to-day. We have not for the House any office building like the Senate has, and therefore it is not possible for me to have this data easily at hand, where it could be obtained. That data is at the other end of the city, and therefore I am unable to make such a criticism of this bill as I would offer if I had that data. I say it is a crying shame and disgrace that the rules of this House are so made as to permit such a condition to exist. As to all legislation of a general character the Members of this House should know one or more days in advance that it is coming up for action so that they can be prepared to discuss it. I was unable even to obtain a copy of the bill until after the gentleman having it in charge [Mr. LITTAUER] had commenced to speak on it.

I came to the Capitol this morning with the expectation of attending a meeting of the Committee on the Judiciary, to which my resolutions asking the Attorney-General what steps, if any, have been taken to prosecute the Secretary of the Navy for having, when vice-president of the Sante Fe Railroad, granted a secret rebate to the Colorado Fuel and Iron Company, has been referred, which I desired to discuss before that committee. I came prepared on that subject, but I did not come prepared on this subject, as I might have been prepared if I had known that it was to come up to-day. The Committee on the Judiciary, however, held no meeting, although it is the day regularly appointed for its meetings. Having no knowledge that this bill was coming up to-day until the session commenced, I am not as fully prepared to discuss it as I desired to be. I say that legislation ought not to be enacted in this way.

Now, as to the merits of the bill itself. Constant pleas are being made here for these tremendous expenditures. In the report of this committee one of the arguments made for this appropriation is that during some prior Congresses large sums of money were appropriated; therefore it is necessary to go on with that policy. What a puerile plea! We make precedent a fetich to be worshiped. Because a previous Congress laid a heavy burden of useless expenditures on the people, why we must do likewise. We are told in the report that of the $90,000,000 expended for fortifications since 1889, $68,000,000 of that amount has been expended within the last nine years; and that is given as a reason for further expenditures. There seems to be an utter lack of disposition, an utter lack of intent, on the part of the administration of the Government of this country, as represented on this floor as well as at the White House—an utter lack of desire or intent to take the first step, to make the first move, to do the slightest thing, which will promote peace among the nations of the world. No! We must always be spending money in competition with other great nations.

We are told that this and that great nation has expended enormous sums of money and therefore we must do the same. No expression of horror, not one word of detestation of the fearful results that spring from such policies as this. Oh, no! Humanity has no consideration upon this floor. It is only some man with epaulets, the man behind the gun, who is extolled; but the men, the women, and the children who suffer from the policy of these tremendous warlike expenditures that inevitably result in friction between nations—not one word is said in their behalf, and no disposition or intent is shown to bring about a change in this fearful competition for warlike supremacy among the great nations of the world.

Mr. LIVINGSTON. The gentleman is preaching a sermon from the text "Blessed are the peacemakers."

Mr. BAKER. No; I do not care about quoting Scripture. When men come here having their minds made up that they are going to engage in such practices as these, no Scripture quotations will have any effect upon them. When they are led by the man who worships war, who wants to hold himself up in the United States as the equal, as the counterpart, of William II, the great war god; when an Administration is dominated by such a spirit as that it would be farcical to make Scriptural quotations; it is almost useless to suggest anything in the interest of peace.

Mr. Chairman, a great deal has been said here to-day about the "utility" of certain instruments of human destruction. Does anybody care that 800 human souls went down in the harbor of Port Arthur as the result of one little torpedo or one little submarine boat getting under the *Petropavlovsk?*

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I yield to the gentleman five minutes more.

A MEMBER. Give him all the rope he wants.

Mr. BAKER. "Give him all the rope he wants and he will hang himself." That is the sentiment. [Laughter.]

Mr. GAINES of Tennessee. You will not kill anybody, will you?

Mr. BAKER. I would like to prevent this House taking any steps to kill people. Let me say that the fact of my not being elected to the Fifty-ninth Congress has no influence and no effect upon my position here to-day. Had I been reelected I should have said what I say now. I said it last year only a short time in advance of the Congressional elections, and I want to say to you gentlemen who seem to believe that you have got to fall down and worship this god of war that in my judgment the fact that my opponent and the whole Republican organization of Kings County made a particular drive against me because I dared to raise my voice upon this floor in behalf of peace and against extravagant, useless, and wasteful warlike expenditures—I do not believe that fact lost me one vote; that is, the aggregate loss to myself was not one vote. I met that issue then, and I will meet it anywhere; in fact, I mailed to several thousand of my constituents a copy of a speech I delivered at the Lake Mohonk Arbitration Conference in June last. I wish more moral courage was displayed on this subject by the Members of this House. I wish the Democrats here would get up and show to the nation that we are opposed to these extravagant war appropriations. I say it is the duty of the minority to use every parliamentary device at their command to block all such legislation. The moral duty is upon every Democrat to do what he can to prevent the Republican party continuing this policy.

Only in to-day's papers we are told that what is called the "pride of the Russian navy" has grounded on a rock and has sunk, it is believed, with all on board, off the island of Madagascar. The people of this country and the people of the great nations of the world have had their eyes for months centered upon the titanic struggle going on between those two nations and we are told that because Japan and Russia are fighting, therefore we must expend more millions of dollars in order to get ready for fighting. But I want to call the attention of those who worship this idol of war to the fact that in the one so-called civilized country where autocracy rules, in the country where it has been heretofore almost impossible to find any man to stand with that greatest of all Russians, Count Leo Tolstoi, and raise his voice against such a shameful waste of the people's money and such a fearful waste of human lives, right in Russia within the last ten days a great meeting has been held in the old city of Moscow, in the heart of that great Empire, and 766 representative men voted in favor of a resolution and only 7 against it, declaring that the war between Russia and Japan was a monstrous, cruel, and wasteful war, and expressing their opinion that it ought to be brought to an end at the earliest possible moment.

These are the resolutions:

[From the New York Times, Thursday, December 29.]

RUSSIAN LIBERALS DEFY GOVERNMENT'S WARNING—MUCH EXCITEMENT IN MOSCOW, AND OUTBREAK IS FEARED—DEMAND THAT WAR BE ENDED—RESOLUTIONS PASSED AT BANQUET.

ST. PETERSBURG, *December 28.*

It is evident from the reports received from the interior that the fairly good impression produced by the imperial manifesto on the subject of reforms may be more than offset in many places by the effect of the Government's note of warning to the Zemstvos.

Private reports from Moscow indicate that much excitement prevails there, and the gravest fears are expressed that the ancient capital of Russia will be the scene of bloody excesses.

The banquet held there on the occasion of the anniversary of the revolution of 1825 was stopped by order of the police at 3 o'clock this morning. Among those present were popular writers, professors of the university, the mining school, and the technological institute, editors, and Socialist workmen. M. E. Kedrine, a well-known lawyer and member of the St. Petersburg municipality, presided. A resolution, which was carried by 766 to 7 votes, after many perfervid speeches, was as follows:

"In view of the horrors of the war, which is devoid of sense, and in view also of the enormous sacrifices and ruin in which the country is being involved, we, representing the liberal professions and working classes, protest against the war into which the Government dragged the nation without consideration for the opinions or interests of the Russian people, and we express our profound belief that only the nation itself can save Russia from her difficulties through free representatives of the people elected by secret ballot on the principle of equal rights.

"Our motto is peace and freedom."

Mr. Chairman, in order to clear my skirts of the infamy of our part in this constant competition of strife between nations, in order that I may clear my skirts of responsibility for these things, I enter a protest against the enormous sum appropriated by this bill.

That I have not attempted to hide my views on this subject is not only proven by my circulating a speech at Lake Mohonk, which I shall incorporate in my remarks to-day, but is also shown in an article I contributed to the Hebrew Standard, a leading Jewish paper in New York, and which I also include.

But the chief reason why I desire to incorporate here the Lake Mohonk speech is because I wish the country to appreciate the absurdity of Members of this House forming an interparliamentary union for peace and then voting, as you do in this bill, extravagant appropriations to "fit" us for war.

ARE YOU FOR PEACE OR WAR?

[Speech of Congressman ROBERT BAKER at Lake Mohonk Conference on International Arbitration, Lake Mohonk, June 1, 1904. From Tenth Annual Report of the Lake Mohonk Arbitration Conference, 1904.]

I have frequently asked myself why it is that the idea which is the basis for this conference, which, for a number of years, has seemed to have a large following among the more highly intellectual people of the United States, as well as of the leading European nations, should make so little apparent progress.

We have just listened with a great deal of pleasure to the report of Doctor Trueblood; we have noted the interesting events which he has related, which appear to be, and I think really are, indicative of considerable progress toward our ultimate object, universal peace. But at the same time we ought to look at the other side of the picture. I believe that the other side of the picture exists to a very considerable degree just because such gatherings as this, just because the kind of people who are gathered here to-day, do not attempt to lay out a consistent course toward this idea. They pray for international peace, but do they pray for domestic peace? Now, that may seem a foolish question to many, but it is impossible to get the American people generally to take more interest in the affairs of their country with the other nations of the world than they do with the affairs of each with the other. And, until the intellectual class, such as are gathered here, are prepared to, and do, frown upon every act of their officials, every act of their representatives, every act of their legislative bodies, which makes for domestic war, you can not hope to make any large advance toward international peace.

Now, what do I mean? Just to give point to a matter that has been referred to by one of the speakers here this morning. We have been told of the formation during the recent session of Congress of an American group of the Interparliamentary Union.

Mr. SMILEY. Mr. BAKER is a member of that group.

Mr. BAKER. That is true, but that is not what I was going to speak of. We have also heard it stated, and that is significant and very important, it seems to me, that at this same session only two votes were recorded in Congress, not against a navy, not even against large appropriations, but against an appropriation for two more battle ships. And I was not one of those two, not because I would not have been one of the two, or rather made it three, had I been there, but it happened that at the time I was at home sick. There were some forty-odd Members of Congress present at the meeting in January when the American group of the Interparliamentary Union was formed. It is certainly not probable that when some sixty days subsequently that vote was taken as to whether we should go on and appropriate some $11,000,000 for those two new battle ships, there were none of those forty-odd Members present other than the two who voted against the appropriation. Now, I say it is farcical for men to come together, form themselves into an organization, and say they wish the American nation to be a leader for international peace, and then go into the halls of Congress and vote $97,000,000 for a big navy. [Applause.]

But more than that. Not one voice except my own was raised in Congress against an immense appropriation for the Army. Not one. An army which no one can pretend—I do not care who the man may be that talks about the "necessity" of war—no one can seriously pretend that we need an army for national defense. We occupy a unique, unassailable geographical position, and the wildest and most fantastical devotee of war can not conceive of any combination of countries being formed that could make a successful attack upon this country unless we deliberately throw the gauntlet down to practically every one of the European nations.

Here we had appropriations of $97,000,000 for the Navy, $70,000,000 to $80,000,000 for the Army, $7,000,000 for fortifications, and so on, and yet only three members of the group raise their voices against this fearful waste of the people's money, and the far more wasteful expenditure of the mental energies of the country that is involved in the people looking for causes or excuses for war, when they ought to be, and would otherwise be, directed, as Doctor Leipzeiger has said, toward education. Why is this? It is because the members of the Interparliamentary Union, and, I fear, many of those here assembled, look at this matter as a dilettante measure. Let us be consistent. If we really favor peace, let us be in favor of it from the 1st of January until the 31st of December, and not alone on those occasions when some great international event is transpiring. Only last week I saw, within ten blocks of each other, two immense armories, gigantic forts, being erected in the city of New York, one occupying almost all of a big block, which, I suppose, is to cost a million or so of dollars. Let us say that this enormous waste now going on every year in this State shall cease. How can the American people, the great mass of the people, ever be successfully appealed to, when told that peace is desirable, when right in their midst you who are of the intellectual people of the United States encourage your members of assembly to vote millions for the erection of such absolutely useless buildings as these armories [applause], while your Congressmen vote hundreds of millions annually for a big navy and a great army? Are you in favor of peace, or are you not? That is the question.

[From the Johnstown, Pa., Democrat.]

CIVILIZED NATIONS UNCIVILIZED—CONGRESSMAN BAKER ADVOCATES EQUAL RIGHTS FOR ALL, IRRESPECTIVE OF RELIGIOUS BELIEFS, AND IN FORCEFUL MANNER DEPRECATES THE HORRORS OF WAR AND THE INSINCERITY OF NATIONS.

In the Hebrew Standard, Hon. ROBERT BAKER, prominent New York Congressman, says:

The treatment of the Jews by certain of the so-called civilized nations of Europe shows how far they yet are from real civilization. Civilization in truth has been confronted by no more powerful barrier than the passions that for centuries have been aroused and inflamed by appeals to religious prejudices.

That these appeals have been made in the name of the Lowly Nazarene proves that instead of being permeated by his doctrines, animated by his ideals, these nations have been rendering mere lip service, and have adopted those doctrines as a cloak under which the better to incite men to war upon their fellow-men, thus perverting and prostituting to the vilest ends the ennobling and uplifting teachings of Him who said "Blessed are the peacemakers."

For myself, I abhor beyond expression those who foment race hatred of whatever kind, but especially am I unable to conceive how any rational and well-disposed mind can fail to reprobate and condemn in the strongest terms the fomenting of religious hatred. Here, at least, where existence is due to an unquenchable love of liberty, men should not merely abstain from acts which reflect upon the religious beliefs of their fellows, but should insist that no discrimination shall ever be made on such grounds. If the spirit of liberty, the love of justice and of humanity really animated us as a nation; if the greed of gain were not so constantly in our minds, we would demand the removal of every restriction or impediment preventing anyone on account of his religion receiving the same treatment or exercising the same rights allowed to others.

An Administration—I care not whether it be Democratic or Republican—which does not demand that the same treatment be given and the same rights accorded to Jews as to those of other religious beliefs fails in one of its most important functions.

My views of the horrors of war are probably understood. I would not advocate any step in the remotest degree liable to embroil this country in war. There are other ways of inducing a foreign nation to accede to any reasonable demand. If this country is justified, which I do not admit, in erecting an artificial barrier to commerce—commerce, the world's most potent peacemaker—in the form of a tariff wall, and then intimating that it will remove certain parts of that wall—knock out a brick here and there—if some other nation will reduce its duties on certain articles manufactured here, surely there is far higher justification for removing those duties if that other nation will agree to cease its discrimination against some of our citizens on account of their religious beliefs. We are not too prone to elevate the material above the ethical. Material prosperity is desirable, but liberty, justice, and fraternity among all the people of the earth are still more desirable.

Why can not we say: We are willing to trade with you. We are willing to exchange the product of our mills, mines, and farms for things you people produce or manufacture, but we owe a duty to our citizens to see that none of them are discriminated against by you on account of their religion. Therefore, the first requisite of trade with us is, that no citizen of this Republic shall be denied, when entering your territory, the privileges extended by you to other foreign citizens. We therefore insist that there shall be no discrimination shown in the issuance of passports because of the religious beliefs of the applicants.

I submit that if our country should make some such proposition as this it would show a willingness to at least remove the beam from its own eye before offering its service to its brother, and would show that we could place ethical above material considerations.

Mr. Chairman, I hope to live to see the day when even such expenditures as this will have to be submitted to a referendum vote of the people. As matters are carried on to-day no one can tell what proportion of the people favor these wasteful, if not criminal, expenditures. The interests that profit either through contracts, or, as in the case of the Philippines, by exploiting the inhabitants through the possession of its special privileges, are always active in fomenting the demand for war and for warlike preparations. No one can tell whether the people thus influenced constitute 5, 15, or 50 per cent of the people, while those who are opposed to war have the disadvantage which always attaches to the negative side, of finding it difficult to secure a hearing. Even if the peace lovers constitute 90 per cent of the people, the remaining 10 per cent may make so much noise, beat tom-toms so loudly, and in other ways become so assertive as to convey the impression that they constitute the majority and not those whose motto is "Blessed are the peacemakers."

But anyhow, as the mass of the people have through indirect taxation not only to pay the expenses of war, but supply the targets for the other fellow's bullets, they should first have the opportunity of determining by a direct vote, unmixed with any other subject, whether they desire a war or not.

Mr. Chairman, I do not look for any material change in the attitude of this House on this subject any more than on other matters of great moment until the people are able to express their views directly on public questions. Under our present election system it is impossible to know what the people really desire on these matters. Take the recent election as an illustration. I am confident that hundreds of thousands of Democrats who have no sympathy with Mr. Roosevelt's views on war, imperialism, or militarism—of which this bill is an expression—voted for him, because it seemed to them the only way they could protest against the control of their own party by its monopolistic elements. Had it been possible for these and other men who are coming to realize the curse of these warlike preparations to have separately expressed their views thereon, it is quite likely that the President would not be so confident that the election was a magnificent indorsement of him and of his works. I am therefore greatly pleased and encouraged to observe the growing demand for the "initiative and the referendum," reflected as it is in the action of certain Democrats, who, as candidates, received such extraordinary votes at the election in November.

Governor Garvin, of Rhode Island, has for several years been an outspoken advocate of "direct legislation." I am confident that his election in 1902 and 1903 was in great measure due to his advocacy of this truly Democratic principle. Even on November 8 his strength with the people of his State was so great that, while Mr. Roosevelt received some 15,000 plurality in Rhode Island, Governor Garvin only failed of election by about 500. This was a most gratifying tribute to his sincere devotion to Democratic ideals and his championship of the initiative and referendum, which, by bringing government close to the people, make the people's representatives the people's servants.

That brave Democrat of the Middle West, Joseph W. Folk, the man who has done more to strike terror into the hearts—if they have any such uncommercial organ—of the great monopolists, who are constantly corrupting public officials, is, I am informed, a convert to this same theory of government, and will endeavor to secure the adoption by the Missouri legislature of bills establishing direct legislation—the initiative and referendum.

In Wisconsin, the governor of which State is a splendid Democrat on all questions save the tariff, has won out in his fight against the combined public-service corporations of his State. His victory, I am told, will result in the enactment of a primary-election law, which will make it much more difficult, if not impossible, for the railroads and other special-privileged interests to dictate nominations, and will also, I believe, insure Wisconsin adopting the principle of direct legislation.

In Massachusetts the man who won the phenomenal victory of carrying that Republican stronghold by 36,000, with Roosevelt having 80,000 plurality, in his message to the Massachusetts legislature yesterday takes advanced ground for the popular referendum and for municipal ownership of public utilities.

All these men comprehend that the people are demanding more direct control of legislation. They know the people are rapidly abandoning the idea that such bodies as this Congress are composed of men of superlative wisdom and can make no mistakes, even where they are not directly affected by the emissaries of special interests who are constantly demanding legislation in the interest of the privileged few.

Governor Toole, of Montana, another Democrat who was able to carry his State in a year when the plutocratic Democrats were driving Democratic Democrats to the support of Roosevelt, is also an advocate of the initiative and referendum.

The aggressive attitude which Governor Douglas has taken in advocacy of these fundamental Democratic principles is shown in his message of yesterday. So sure is he that the people of his State did not on November 8 indorse the "stand-pat" policy of the gentlemen on the other side of this House that he even proposes that a commission be appointed to investigate the operations of your sacred tariff system and recommends that the result be submitted to the people for their decision by a referendum vote as to what tariff changes they desire. It may easily be that the Republican delegation of that State will thus be instructed to vote with the men on this side of the House in favor of radical tariff changes and to place coal, hides, lumber, leather, etc., on the free list.

His recommendations are as follows:

[From the New York Times, Friday, January 6, 1905.]

DIRECT LEGISLATION URGED BY DOUGLAS—BAY STATE GOVERNOR WANTS POPULAR VOTE ON FRANCHISES—FOR MUNICIPAL OWNERSHIP.

BOSTON, *January 5.*

Direct legislation, muncipal ownership of public service utilities, popular vote on franchise grants, the abolition of indiscriminate imprisonment of offenders, and tariff revision were the principal recommendations made by Governor Douglas in his inaugural address.

Governor Douglas, who is the forty-first governor of the State, was sworn in shortly after noon to-day. He is the fourth Democratic governor in fifty years. All the other State officers are Republicans, and the legislature is heavily Republican.

Governor Douglas made a vigorous plea for tariff revision, attributing the increased cost of living to the present law. He asks authority of the legislature to appoint a commission which shall determine the nature and extent of the injury the State suffers by excessive tariff taxes, and suggest a remedy.

A referendum vote should be taken, he thinks, on the conclusions of this commission, the object being to obtain an expression from the people which shall serve as a guide to the Massachusetts delegation in Congress.

On direct legislation he says:

"It is difficult to see what objection there can be to such a grant of power to the people over their legislation. As members of the legislature are representaties of the people, they should not object if their constituents be given to reverse or approve their acts. If the objection be made that the people can not be trusted, such an objection is a denial of the success of popular government as shown by the history of town meetings for more than two centuries.

"Especially do I recommend the passage of a law giving broad powers to the people of our cities to secure the submission to them of acts of the city councils affecting the interests of the citizens."

Continuing, Governor Douglas advocates a direct vote on franchises. "When capital," he says, "has been invested in these franchises there arises at once, in the nature of things, a conflict between the public, which desires the cheapest and best service, and the franchise owners, whose purpose is to gain profit. It is futile to expect, if the legislature continues the sole distributor of these valuable franchises, that it will not be invaded by men who seek them, or that their possessors will not protect their privileges to the utmost.

"If the people are given the right by direct vote to determine whether such franchises shall be granted, and how, within legal limitations, they shall be exercised, the seekers and holders of such franchises will be compelled to meet the popular requirements."

Governor Douglas recommends wider powers of municipal ownership. "Whatever doubts," he says, "may exist as to the expediency of State or Federal ownership of public utilities, the operation of such undertakings by towns and cities has now passed the experimental stage. It has been demonstrated by the experience of towns and cities in this Commonwealth, both with regard to water supply and public lighting, that under favorable conditions and proper management the business of gas, electric lighting, and water supply can be conducted by municipal corporations with profit to the inhabitants, both in price and in service."

He, therefore, recommends that municipalities be granted the power to conduct their own public service utilities.

As further evidence of how rapidly this demand for municipal ownership is growing, and also how general is the demand for the initiative and referendum as to the means whereby the people can secure the same, I want to incorporate in my remarks a letter I have just received from the president of the Referendum League of Erie County, N. Y.—that is, of the city of Buffalo. You will note there is the same old story of inadequate accommodations provided, of excessive fares, of low wages and long hours for the company's employees, together with what amounts to a practical refusal to pay even the ridiculously small amount of taxation which the present law requires them to pay. This is accomplished by having these enormously valuable franchises assessed for taxation by the State board of tax commissioners, instead of, as they should be, by the local authorities, whom the voters could reach if they permitted these public service corporations to dodge their taxes, as they now do by being assessed at probably not more than 25 per cent of the rate at which the homes of the people of Buffalo are assessed. Thus these corporations first steal the property of the whole people of a city by bribing aldermen to give them these valuable privileges; then they refuse to pay taxes upon the people's property which they monopolize, thus forcing the mechanic and the merchant to pay a larger amount of taxation than they otherwise would be called upon to pay.

Mr. Stockton's letter is a strong presentation of the argument for both municipal ownership and the initiative and referendum, and is well worthy of perusal by every Member of this House. It is inserted in full:

[*Referendum League of Erie County.*—Lewis Stockton, president; Thomas M. Crowe, M. D., vice-president; W. H. Baker, treasurer, 215 Franklin street; James Malcolm, 313 Herkimer street. Council: The Rev. Israel Aaron, D. D., J. N. Adam, James Ash, Max Breuer, M. D., J. B. Coakley, M. D., Spencer Clinton, John Coleman, Charles F. Dunbar, A. J. Elias, Rev. O. P. Gifford, D. D., William Horace Hotchkiss, Neil McEachren, William E. Kreiner, John G. Milburn, Michael Nellany, George S. Potter, Rev. L. M. Powers, John J. Smith, Thomas Stoddart, Hon. Truman C. White. Proposed legislation: 1. Expressions of opinion by voters of Buffalo on questions of public policy at elections when 5 per cent petition therefor. 2. Votes at the polls on grants by the common council of franchises and other public property.]

BUFFALO, N. Y., *January 3, 1905.*

Hon. ROBERT BAKER, M. C.,
Washington, D. C.

DEAR SIR: The common council of this city realize the impossibility, under existing conditions, of obtaining from the New York State legislature any adequate remedy for certain conditions. The evils complained of and everywhere recognized result from the monopolies which spring from grants of franchises for public service utilities in cities to quasi public corporations for private gain. The Buffalo common council, under the "good government" or "general welfare" clause of the city charter, therefore enacted the following ordinance:

CHAPTER 45. Upon the filing with the city clerk of a written petition signed by 5 per cent of the registered voters of the city of Buffalo, as shown by the last registration list, or upon a resolution of the common council of said city, passed by a majority vote thereof, authorizing it, it shall be the duty of the proper election officials to submit any question or questions of public policy so petitioned for or authorized to the electors of said city at any general election in order to obtain the opinion of such electors thereon; provided that such petition is so filed or such resolution becomes of force not less than sixty days before the date of the election at which such question or questions are to be submitted. Not more than three questions proposed by petition shall be submitted at the same election, and such questions shall be submitted in the order of filing the petitions.

SEC. 2. The city clerk shall publish in the official paper and in three other daily papers of the city a notice that such question or questions are to be voted upon at the next election. The notice shall be published twice a week for three weeks prior to the election.

SEC. 3. Every question submitted to the electors shall be submitted in the manner and form in which constitutional amendments or other public measures are submitted to a vote of the electors.

Under the foregoing ordinance the following petition is being circulated:

THIS IS THE PETITION. SIGN IT.

Sign it at once if you believe that the people should have a voice in city government. Get as many signatures as you can to this petition, and when filled in send to the Referendum League, 97 Erie County Savings Bank Building. (Telephone, Seneca 3673-Y.) If more blank petitions are needed they can be obtained at above address.

Explanation of questions.

Question 1. Referendum bill provides for votes at the polls, on grants of large franchises and other public property. Privileges and permits are to be granted under general rules, which rules are to be approved

by popular votes. No interest is affected adversely. Act prevents "hold ups" and stops franchise grabbing. Grants may be submitted at general elections, but a special election may be held and would-be grantee may be required to pay expenses of such special election if he is in a hurry.

Question 2. Oregon law gives equal opportunity under law as to nominations. All city candidates would be nominated directly by voters. Political parties governed by affiliated party voters. Candidates may on their petition pledge how they will or will not vote on questions. Two per cent petition places name on party ballot. Nominee receiving highest vote is party's candidate. Regular parties must use this law. Australian ballot used at primaries, and same election officers and safeguards as at general elections.

Ends factional fights for control of party machinery, and places governing power more directly in hands of the people.

Question 3. City's right to use power poles and conduits expires December, 1905. Niagara Falls power obtainable at $20 per horsepower per year. Cheap power would bring small manufacturers, and also benefit merchants, householders, and city by giving cheaper lights for stores, homes, and city streets.

BUFFALO, N. Y.

Petition for a city referendum on franchise grants, direct nominations, and a municipal lighting and power plant.

To the city clerk of Buffalo, N. Y., and the commissioner of elections in Erie County, N. Y.:

We, the undersigned registered voters of Buffalo, respectfully petition that the following questions of public policy be submitted to the electors of the city of Buffalo at the general election to be held on Tuesday, the 7th day of November, 1905, in order to obtain the opinion of such electors thereon:

(1) *Grants of franchises or public property.*—Shall legislation be enacted amending the charter of the city of Buffalo by requiring that all acts granting property or franchises to persons or corporations in said city shall be submitted to the people of Buffalo at elections before taking effect?

(2) *Direct primary nominations.*—Shall legislation be enacted providing for a direct primary nominating elections law for Buffalo in substance similar to the law enacted by the people of the State of Oregon on June 6, 1904?

(3) *Municipal electric lighting and power plant.*—Shall the city of Buffalo own and operate an electric lighting and power plant for the benefit of itself and its inhabitants?

	Name.		Address.
Circulator's name. Address.		PETITION.	

The reason for submitting the first question to the voters of Buffalo at the polls next November is that franchises are public property, and the people should have a voice in their disposition. The private ownership of franchises being a menace to popular government, the only remedy is found in the accurate expression of public opinion at the polls as a check and wise safeguard in grants of popular rights and property, so that the people may know the terms, conditions, and considerations for such grants. One franchise for a street railroad in Buffalo granted by the State legislature runs for a term of nine hundred and ninety-nine years. The corporation counsel estimates the value of this franchise, exclusive of tangible property, at $20,000,000, but the State board of tax commissioners appraises the value at less than $5,000,000, upon which sum the tax is levied. The street cars are crowded, lowering the standard of manners, morals, and health of of the community, and no remedy is forthcoming from the legislature.

The Buffalo Gas Company is overcapitalized. As a consequence the city and consumers are overcharged. There is no publicity of accounts. There is no record of any compensation to the people for the *grant of a distributing* franchise, and no remedy is forthcoming from the legislature.

Experts assure us that we can, by a municipally owned and operated plant, get arc electric lights for $37.50 per year, as against $75 now paid; that for $12 we could have incandescent electric lights of twice the illuminating power of the gas-burners now used (for which we pay $14.04 per year), and we could supply electric light and power to private consumers at an immense reduction over present prices as well as pay for the whole plant in twenty years. But the Buffalo General Electric Company has a monopoly of distribution and there is no chance of a remedy from the State legislature.

The reason for submitting the second question is that under the present system of nominations by delegates party bosses have more power than the people themselves, and yet these political leaders are unchecked by anything but public opinion; and the only accurate way to ascertain what public opinion is is by means of popular votes.

No one but the people can be trusted to choose the people's servants.

Direct nominations will prevent factional fights, but not destroy political parties. They will save convention expenses and convention log rolling, but will not endanger political parties.

If Tweed was rightly quoted in saying "Let me select the candidates and you can elect whichever you please," he stated what all intelligent citizens recognize to be truth. We can never have a fair trial of popular government unless we give a fair chance to the people to govern themselves or to choose their governors.

The reason for submitting the third question is that the mayor and common council have advised the city, over eighteen months ago, to adopt the plan of municipal ownership and operation of an electric lighting plant. Yet nothing is done by the city government toward carrying the recommendation into effect. The organized, insistent, and able representatives of the Buffalo General Electric Company seem able to postpone action which the city government has advised to be for the best interests of the city, its citizens, and taxpayers.

Under these circumstances the people should themselves vote on this question, thus intervening in their own behalf.

In general it may be urged that only by such participation in city government, by exercising the function of determining public policy can popular institutions be safeguarded and preserved in cities.

Five per cent of the registered voters of Buffalo number 3,800. We need the active interest of all to obtain signatures and thus educate the voters intelligently on the question at the election to be held November 7, 1905.

I am, sir, yours, respectfully,

LEWIS STOCKTON,
President of the Referendum League of Erie County, N. Y.

Mr. LIVINGSTON. Mr. Chairman, as there is no other application for time on this side of the House, I will yield the remainder of my time to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Chairman, after listening to the remarks of the gentleman from New York [Mr. BAKER] in favor of universal peace on earth, I propose to call the attention of the House to a question that was submitted to our consideration by the President in his annual message, which it is hoped will lead to domestic peace as between individuals who have entered into the holy state of matrimony. I quote from the President's message on page 13, in which he says:

> There are certain offenders, whose criminality takes the shape of brutality and cruelty towards the weak, who need a special type of punishment. The wife beater, for example, is inadequately punished by imprisonment; for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

Mr. Chairman, in pursuance of that suggestion by the President I have introduced a bill into this House which, as it is short, I will read for your information. It is as follows:

H. R. 17115.

Be it enacted, etc., That whenever hereafter any male person in the District of Columbia shall beat, bruise, or mutilate his wife, the court before whom such offender shall be tried and convicted shall direct the infliction of corporal punishment upon such offender, to be laid upon his bare back to the number of lashes not exceeding thirty, by means of a whip or lash of suitable proportions and strength for the purpose of this act.

SEC. 2. That the punishment provided in the first section of this act shall be inflicted by the marshal of the District of Columbia, or by one of his deputies, within the prison inclosure, and in the presence of a duly licensed physician or surgeon and of the keeper of the said prison or one of his deputies, but in the presence of no other person.

Mr. Chairman, twenty-two years ago, when I had the honor to sit in the senate of Pennsylvania, representing one of the districts of Philadelphia, a constituent put in my charge a similar bill to repress this crime and inflict a proper punishment. I thought so little of it that I declined all personal responsibility for it, and introduced it "by request." Strange to say, the committee, instead of allowing it to die in the pigeonhole of the committee room, reported it adversely to the senate chamber, an unusual proceeding. Being rather nettled, I addressed the senate on the subject and to my surprise and to the surprise of everybody the bill was placed on the calendar by the necessary two-thirds vote in spite of the adverse report of the committee to the contrary. [Applause.]

Almost the entire press of Pennsylvania took up the subject in its advocacy and support. I began to look into this subject seriously, and I assure you from that day to this I have been thoroughly impressed with the advisability of such legislation to put down this brutality. More than that, I have gone into the economical side of the question, and if the House will bear with me I will show that it is in the interest of the taxpayers to enact this legislation.

Many historians have agreed that the treatment of women as a nation is one of the best tests of its progress in civilization. A short review will testify to the soundness of this conclusion. In savage life, in which prowess alone commands distinction, the comparative feebleness of woman deprives her of recognition, and she is the mere slave of man for labor and drudgery. This is equally true of the barbarians of the past, or the savage of Brazil and North America of the present. The first idea of a wife seems to have arisen from the power to obtain and retain possession of a woman. We read in the Bible of the capture of wives from the daughters of the Shiloh for the children of Benjamin. The early history of the Greeks, Romans, and Hebrews is filled with expeditions made for no ostensible reason save that of procuring wives. Walter Scott says that the MacGregors captured a wife in 1750 for Robin Oig; a date so recent that the deed might be set down to fiction did we not know that it was necessary to pass a law in England in the third year of

Henry VII's reign making it a capital offense to carry away a woman without her consent. The next step in the matrimonial relation was the sale of daughters among the semicivilized tribes. This had the improvement of giving fathers and brothers some say in the disposition of the woman, and of at least rejecting brutal alliances. The Egyptians stand out in bold relief in respect to their treatment of women during the reign of the Pharaohs, but as their advanced state of civilization at that time is well known, it but adds a proof to the validity of the test before named.

The legal status of woman was changed early in the Greek law, and from that of a chattel to be sold, the father paid a sum of money to the bridegroom, which was the beginning of the custom of "dowry." This was secured to her, in case of separation, as well as an allowance from her husband, if he were the guilty cause of a divorce. Thus, a fixed legal status with personal rights was first given by Greek law. This raised her position in the marital state, and she became the companion instead of the plaything of the husband. The "Patria Potestas" of early Rome gave absolute authority to the father over the family. He could sell his daughter to one of his own selection, and his authority was transferred to the husband as to the fortune and even the life of his wife. More mature Rome jurisprudence improved the status of the female to the extent of inheritance of property and its retention independenly of her husband. The fall of Rome and the institution of feudalism had a disastrous effect on the social and legal position of women. Marital service was the indispensable qualification of the right to hold property. Deprived of this, her personal rights were soon abridged. During the whole Anglo-Saxon period the law gave the power to the husband to exercise restraint by correcting her if necessary. Civil law allowed the husband for some misdemeanors "flagellis et festibus acriter verberare uxorum," and for others only "modicum castigationen adhibere." Authorities do not agree as to what constituted a moderate castigation, or the instrument wherewith it was to be inflicted. Welsh law fixes as a proper allowance "three blows with a broom stick on any part of the body except the head." A second law limits the size of the stick at the "length of the husband's arm and the thickness of his middle finger." Another rule was that "a man may lawfully correct his wife with a stick no bigger than his thumb." No wonder, then, when Justice Brooke (12 Henry VIII, fol. 4) affirms "that if a man beat an outlaw, a traitor, a pagan, his villein, or his wife it is dispunishable, because by the law common these persons can have no action." He says "God send gentle woman better sport or better compane." But said Blackstone, in his Commentaries, "with us in the politer reign of Charles II this power of correction begins to be doubted, and a wife may now have security of the peace against her husband. Yet the lower rank of people, who were always fond of the old common law, still claim and exact their ancient privilege." It was not until 1829 that the act of Charles II, which embodied the old common law and allowed a man to "chastise his wife with any reasonable instrument," was repealed.

The legal position of women in this, our century, is fully established, so far as her rights to property are concerned, and she is amply protected against her husband squandering her wealth, be it real or personal. Her person itself occupies a less secure position, and even the remedy offered by law is not available to her, owing to the attending consequences, and this in spite of the constitution of the country guaranteeing the right of enjoying and defending life and liberty. The usual proceeding "in civiliter" of suit against her husband for damages resulting from assault and battery is denied her, owing to her marital state, while the criminal prosecution, with the penalty of imprisonment, deprives her and her children of needed support, which anticipated result is frequently a bar to her even seeking protection. The binding of her husband to keep the peace, or the order of maintenance by the magistrate, has been found to be futile, especially among the class to which most wife beaters belong, namely, drunkards, who are the only class allowed to take the law in their own hands and inflict corporal punishment on their wives for alleged faults existing only too often in their intoxicated brain, while fines and costs simply deprive the injured mother and innocent children of the necessities to sustain life. Referring to the prevalence of the inhuman crime of wife beating, Darwin says, "with the exception of the seal, man is the only animal in creation which maltreats its mate, or any female of its own kind."

Judicial statistics leave no question as to the extent of the crime. In England and Wales, issue of 1877, we find that of aggravated assaults on women and children brought under summary jurisdiction there were reported in 1876, 2,737; in 1875, 3,106; in 1874, 2,481, and of these it is estimated that four-fifths were assaults made by husbands on their wives. It is in centers of dense mercantile manufacturing and mining populations that this crime was most prevalent. In London the largest returns for one year (Parliamentary reports of brutal assaults) of brutal assaults on women were 351; in Lancashire, 194; in Stafford, 113; West Riding, 15, and in Durham, no fewer than 267, with a population of only 508,666. In America it has been impossible to secure any published statistics, but to supply the place of such records the following interrogatories were sent to every district attorney in the State of Pennsylvania, and their replies have been tabulated to show the results:

I. During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?

II. How many true bills were found?

III. How many convictions were obtained, and what was the average term of sentence?

IV. The nationality of the condemned?

V. In your opinion is the crime on the increase?

VI. Do you know if the families of the condemned, or what proportion of them, became a charge upon the county for want of support?

VII. Were the condemned under the influence of liquor at the time of committing the crime?

Please return, etc.

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Adams	3	2	2, costs and fines	American	No	None	Yes.
Allegheny			50, 5 days to 1 year				
Armstrong							
Beaver	2	1	1, 2 years	Irish	No		
Bedford	None.	None.			No		
Berks	10	8	5, fines and costs	4 German, 3 Irish, 1 English	Yes	2	Mostly.
Blair	4	1	1, 6 months	American	No	1	Yes.
Bradford	2	2	6, 2 days to 3 months	All	Yes	1	Yes.
Bucks	15	None.				1 or 2	Three-fourths were.
Butler							
Cambria	None.				No		
Cameron	1	1	1, 6 months	German	No		Yes.
Carbon	8	6	6, 30 days to 3 months	German, Irish	Yes	2	1 case.
Center							
Chester		4	4, fines and costs		Yes	No	Yes.
Clarion	3	2	6, years	German, Irish	No	No	No.
Clearfield	5	3	3, fines and costs	American, Irish, German	No	Not any	Yes.
Clinton	2	2	Costs and fines	German, American	No	None	No.
Columbia	None.	None.	None		No	No	
Crawford	2	2	2		No	No	Yes.
Cumberland							
Dauphin	2	2	1, 2 months	Colored	No	No	Yes.
Delaware							

County.	During the last year how many complaints were made to the grand jury for wife beating or for assault and battery on wives by their husbands?	How many true bills were found?	How many convictions were obtained, and what was the average term of sentence?	The nationality of the condemned.	In your opinion, is the crime on the increase?	Do you know if the families of the condemned or what part of them became a charge on the county for want of support?	Were the condemned under the influence of liquor at the time of committing the crime?
Elk							
Erie	1	1	1, 1 year	German	No	1	Yes.
Fayette	a 3			American		1	1.
Forest	None.	None.	None		No		
Franklin	2	2	1, 6 months	German	Yes	None	No.
Fulton	1	None.		American	No		Yes.
Greene	3	2	1, 30 days	do	Yes	None	No.
Huntingdon	4	None.		do	No	No	No.
Indiana	None.						
Jefferson	2	1	1, 30 days	American	No	No	Yes.
Juniata	1	1	1, 6 months	German			Yes.
Lackawanna	6	6	1, 30 days	Hungarian	No	None	Yes.
Lancaster	7	None.	2		No	No	No.
Lawrence	None.				No		
Lebanon	12	8	8, 60 days	German, Irish	No	Not any	Yes.
Lehigh	4	None.	None	Irish and German	No	None	No.
Luzerne							
Lycoming	10	6	4, 15 days	American, Irish	No	No	Yes.
McKean	5	5	None	Irish and American	No	None	Yes.
Mercer	2	None.	None		No		Yes.
Mifflin							
Monroe	None.				No		
Montgomery	9	9	4, 3 months	Irish, English, American	Yes	None	5 yes, 4 no.
Montour	None.				No		
Northampton	10	8	6, 30 days, 6 months	Irish, American	Yes	No	Yes.
Northumberland							
Perry	None.						
Philadelphia	308	182	80, 5 months	No record	Yes	Not many	Almost always.
Pike	None.				No		
Potter							
Schuylkill	16	16	15, 20 days		No		Yes.
Snyder							
Somerset	1	1	1, 2 years 6 months	Italian	No	No	Yes.
Sullivan	2	None.	None	American	No	No	Yes.
Susquehanna	None.				No		
Tioga							
Union	None.				No		
Venango	1	1	1, 1 year	American	No	Yes	Yes.
Warren	None.						
Washington	4	None.	None	2 Welsh, Scotch-Irish	Yes	None	3 yes, 1 no.
Wayne	2	1	None	Irish		None	1 no, 1 yes.
Westmoreland	6	3	None	American	Yes	None	4 yes, 2 no.
Wyoming	2	None.	None	American, Hungarian	No	None	
York	None.				No		
	527	287	211, 3 months	Mostly foreigners	Yes 11, No 36.		Yes 30, no 7.
Camden	125	30	¼, 15 to 60 days	Irish, German, American	Yes	A few	Mostly.

a Wife desertion.

Five hundred and twenty-five brutal complaints by wives against their husbands for brutal beatings in one year is a terrible showing for a State so long settled and so far advanced in civilization in other respects as is Pennsylvania. Three hundred and thirty-seven of the complaints were pronounced well founded by the grand jury, and 211 husbands were convicted for terms averaging three months each, thus depriving their families of necessary support. Would that we could flatter ourselves that these returns showed the full extent of this crime in that Commonwealth, but it is probably ten times as great as is directly apparent. It will be noticed that there is no return from the coal regions of Luzerne County. Attention is also called to the prevalence of wife beating in Camden, N. J., which, except for geographical lines, is part of Philadelphia. The tabulated reports represent only the aggravated assaults, in which the wife, driven to desperation by repeated assaults, seeks to have her husband imprisoned.

Hundreds of minor cases appear before the justices of the peace or are settled before trial. This fact is established by the voluntary remarks of the several district attorneys. He of Lycoming County says: "The statement does not by any means represent the extent of the crime. Many prosecutions are settled before the justices that we never hear of. Many more wives are abused who will not make a complaint." The prosecutor of Northampton County says: "There probably have been many more such cases returned for trial during the year, but settled by parties before bill is found. Many more have been settled by the justices of the peace and no returns made to court." Blair County: "I have had a great many cases of wife beating, but only some three or four have come to trial; all generally settled, and frequently before preliminary hearing." Montgomery County: "Desertion cases, which are disposed of on hearing without jury trial, develop a large amount of wife beating. These are not included in the queries. During the past year wife beating was developed in ten desertion cases." The district attorney of Erie County says: "I find that a certain class of Englishmen beat their wives from habit." Dauphin County: "Only two specific charges of assault and battery on wives, but in many desertion or maintenance cases the testimony showed personal violence by husbands."

Clearfield County reports: "Forty complaints have been made before magistrates in addition to complaints appearing in court." In the thickly settled mining regions of Schuylkill County the preserver of the peace writes: "Thirty-six cases were returned by justices of the peace and were bound over by the judges for good behavior. Then we had about forty cases in which there was no trial from the fact that the wives asked the court to withdraw the prosecution of the defendant, as his imprisonment would leave the families in want." It is needless, in order to establish the prevalence of this crime, to quote from others who write in a similar strain.

Further, it will be noticed that wife beating exists to a greater extent, though not exclusively, among the foreign population, and it is certainly desirable that the baneful influence of the practice should be promptly checked before contaminating our native-born people.

To the question, "Were the condemned under the influence of liquor at the time of committing the crime?" the answer is almost invariably in the affirmative. Here is a thought for those interested in the temperance cause. What effect would the whipping post have on these drunken brutes? From eleven counties and from Camden comes the disheartening statement that in the opinion of the men best able to judge the crime is on the increase.

Surely, with its prevalence in many counties and its increase in others, the present law is proved to be inadequate, and legislation is necessary on the subject.

The knowledge of the frequency of wife beating will be startling to the community and the inadequacy of the present punishment evident. Infliction of punishment should always have a twofold end—the reform of the criminal and the prevention of the committing of the crime by others. Hobbes says: "In revenges or punishments man ought not to look at the greatness of the evil past, but the greatness of the good to follow, whereby we are forbidden to inflict punishment with any other design than for the conviction of the offender and the admonition of others." The latter has the greatest interest for the public for its own safety and that of its property.

The ordinary procedure, when complaint is made, is before justices of the peace, to whom the wife applies to have her husband bound over to keep the peace or to provide maintenance. These cases are usually settled, the wife preferring to risk a second beating rather than deprive herself and offspring of food and shelter. The risk of such deprivation likewise deters the magistrate. The district attorney of Cameron County writes: "The greatest difficulty in enforcing the law properly and punishing wife beaters arises from the fact that the wives themselves in every instance come into court and beg their husbands' release. This has been my experience and my predecessor says his was the same. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent the constant occurrence of this crime."

The district attorney of Schuylkill County says: "There were about forty cases in which there was no trial, from the fact that the wives asked the court to withdraw the prosecution. To imprison the defendant would only leave their families in want."

The district attorney of Lycoming County testifies: "Except in aggravated cases settlement is encouraged because the parties are all poor and have no money for the costs and fines, and their families suffer while they are in prison."

The district attorney of Pittsburg writes: "In most cases the wives come into court and beg for the release of their husbands."

The district attorney of Philadelphia says: "I have no doubt the imprisonment of the wife beater in a large majority of cases causes very great suffering to the innocent families. More, indeed, than his incarceration inflicts on him."

In the more formal and protracted procedure of complaint and indictment by the grand jury, followed by trial in court, the objections noted rise to even a greater degree of force, and Judge Mitchell, of Philadelphia, informs me that in cases in which conviction has been had he has invariably been appealed to by the wife to impose only a short sentence, as long imprisonment meant starvation to the family of the convicted.

Confinement in the county jail, where not even hard labor is imposed, has no terror for a brute so demoralized that he will strike a woman—his physical inferior—and by nature he is incapable of feeling for those suffering at home.

It has been urged that wives would not inform on their husbands and expose them to the disgrace of being whipped. But at least they would have a chance, and it will be seen from the testimony given that the law, as at present existent, does not even give them any option, for with the want of food staring them in the face they dare not complain. The punishment of the lash is not open to the objection that want will follow to the complainants, and if they have a remedy and prefer to suffer, it is for them to decide. Wife beating is not done openly where the law can see and take cognizance of the breach of the peace, and that the law may be put in motion it is essential that the wife should be placed in an untrammeled position, free to protect herself by making complaint.

There is an economic side to the whole matter which affects the community far more than the mere horror of the brutality of the offense. Society is an organization to protect itself. The combining of the weaker against the strong and the employment of the machinery of the law offer comparative safety to the individual. To sustain the system society is willing to be taxed; to have prisons built; judges and prosecuting attorneys paid; police hired; convicts immured and supported, and for every murderer hung or incarcerated the sense of increased security for his person is a return to the individual for the tax paid, and the conviction of each thief is a consideration received on account of the premium paid for the security of property.

What relation does the crime of wife beating bear to the taxpayer beyond the shock to his feelings of humanity? It affects the citizen in no degree if the brute plies his vocation every day of the year. The person of the taxpayer, if anything, is less secure, for the brute from force of habit in inflicting pain might assault others who were his physical inferiors, while the property of the taxpayer, if the brute is convicted and sentenced, is taxed to support him in jail. The evil does not end here, for the chances are largely in favor of the wife and children of the criminal being left a charge on the county as inmates of almshouses during his imprisonment. The number of persons who thus become a charge upon the county it is next to impossible to estimate. In reply to the inquiry on this subject the several district attorneys were unable to give information save in a few cases, and as commitments only read, "assault and battery," no information can be gleaned from the prison registers.

The men convicted of this crime are married, and with the average family the number of persons deprived of support can not be small. The incomplete returns give 211 convictions with an average sentence of three months each, which, at 25 cents per diem, makes a charge upon the taxpayer of over $5,000 annually for supporting these brutes in idleness. Not a pleasant thought, certainly. Of course the subject might be pursued further in this direction, and we might discuss as a matter of loss to the State the pay of jurors, witness fees, also the time wasted by courts and attorneys in trials of wife beaters while important civil cases awaited adjudication. An additional loss is the money spent in the purchase of the alcoholic stimulant with which these brave men fortify themselves for the heroic deed of attacking their wives—their physical inferiors, to say nothing of the further loss due to the habit of idleness acquired during their imprisonment without labor. But enough has been adduced to support, from an economic view, the passage of a law to suppress this crime.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I do.

Mr. GAINES of Tennessee. What States or Territories have such a law as this now?

Mr. ADAMS of Pennsylvania. The State of Maryland passed this law, and after one conviction and punishment wife beating almost disappeared from that good State. The State of Delaware already has a whipping post, and I regret to say this crime is not included. I wish it distinctly understood in advocating this bill that I am not an advocate of the whipping post as it exists to-day in the State of Delaware. Certain crimes should be punished in another way, in my judgment.

Mr. GAINES of Tennessee. Well, why does not the gentleman so amend his bill as that it shall provide that a man shall be whipped for striking any woman, whether she is his wife or not? Any man who would strike a woman ought to be whipped, and I would like to do the whipping myself, if necessary. [Applause and laughter.]

Mr. ADAMS of Pennsylvania. I quite agree with that. That, however, is already provided for by law under the crime of assault and battery, and the people have their remedy as the statute now exists.

Mr. BEDE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I do.

Mr. BEDE. Mr. Chairman, I would like to ask if the gentleman reports this bill because, as a bachelor, he is immune to the provisions of the bill? [Applause and laughter.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, the only class of people who can be got to introduce this legislation are single men, because they are not in the married men's trust. [Applause and laughter.]

Mr. GAINES of Tennessee. I would like to suggest that it is not the fault of the gentleman from Pennsylvania [Mr. ADAMS] that he is a bachelor.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in a recent debate in the senate of Pennsylvania objection was raised by a senator, not trained in the law, that the proposed punishment was in violation of the constitutions of the United States and of that Commonwealth. The amendment to the Constitution of the United States forbids "cruel and unusual punishment." This is a restriction of the Federal Government, and not upon the States. It is inapplicable to offenses against the State. This is well recognized, and has been adjudicated in the case of Barker *v.* The People. (3 Cow (N. Y.), 686.) The law as it existed in the slave States formerly, and as it exists in Delaware and Maryland to-day, is a sufficient answer to the objection.

It will be noticed that the constitution of Pennsylvania does not retain the wording of the bill of rights (1 William and Mary), as does the Constitution of the United States, but omits the word "unusual." That this omission was designed by the framers there can be no question, as the original phrasing was

of too ancient a date and too familiar to be mistaken, and formed one of the most pronounced declarations of that statute which established security of personal liberty. In interpreting the portion of the bill of rights cited, James Fitzjames Stephens says, "No doubt the flogging of Oats and others who were sentenced were the cruel punishments which Parliament referred to." Macauley, in describing the infliction of the sentence, says that Oats was expected to die. He was whipped twice at an interval of two days. "The hangman laid on the lash with such unusual severity as showed that he had received special instructions. The blood ran in rivulets." On the second whipping he received 1,700 lashes. It was the prevention of such cruel and unusual punishment as this that the provision of the bill of rights was directed, and not against whipping itself. This is substantiated by the fact that "whipping has never been formally abolished for common-law misdemeanors" (Stephens), but, on the contrary, has been named as punishment to be inflicted in the acts 26 and 27 Victoria, C. 44, where the number of whippings, and the instrument to be used, and the number of strokes to be inflicted, are set forth. In 1863 this statute, the garroters act, was passed by Parliament, discretionary power being given to the judge to inflict the additional punishment of flogging, and this most atrocious crime of strangling, which had held London in terror for several years, disappeared after one or two convictions.

These statutes plainly show that in England the section of the bill of rights against cruel and unusual punishments is held not to refer to whipping properly administered as a punishment.

In Pennsylvania, up to the time of the adoption of the constitution of 1790, in which was first inserted the restriction against cruel punishment, the provisions of 1 William and Mary were in force, and to show that the interpretation in that State was the same as that in England I cite the act of March 10, 1780 (1 Smith's Laws, 501), in which punishment for horse stealing is prescribed. "Every such person or persons so offending, for the first offense, the offender shall stand in the pillory for one hour and shall be publicly whipped on his or on their bare back with thirty-nine lashes well laid on." And the act of March 16, 1785, prescribes that for counterfeiting the offender "shall be sentenced to the pillory, to have both his or her ears cut off and nailed to the pillory." These were not considered cruel and unusual punishments under the bill of rights, nor can they be held to be in violation of the clause of the constitution of 1790, for they remained statutes after its adoption for nearly fifty years, and were only repealed by the act of April 3, 1829, although it may be a question as to what was the effect on this subject of the acts of April 5, 1790, and April 22, 1794. The present constitution of Pennsylvania retains the clause of the former constitution verbatim in regard to cruel punishment, and as the case is in no wise changed, I hold that there is no constitutional prohibition preventing the passage of the law inflicting whipping as a punishment.

Mr. SHACKELFORD. Mr. Chairman, I would like to ask the gentleman if this provides for duckings also for female offenders.

Mr. ADAMS of Pennsylvania. I do not see the relevancy of that question. If I did, I would answer it with pleasure.

Mr. SHACKLEFORD. Well, the gentleman can answer it yes or no, whether it does or not.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I do not see the relevancy of that question. The question of flagellation as a punishment has received much more attention than perhaps the Members of this House are aware and from very serious sources. It has long been debated whether flagellation as a punishment or flagellation as a penance was the more ancient of the two kinds of whippings; but the Rev. William M. Cooper, in his History of the Rod, decides that corporal punishment is as old as sin, and that voluntary flagellation was in imitation of punishment inflicted on themselves by those feeling guilty of such sins as they had committed. That whipping is one, if not the oldest, mode of punishment history offers ample proof. In Exodus we read that Pharaoh flagellated the Israelites. In the laws of Moses flagellation was imposed for certain offenses, the number of lashes being limited to forty. Jesus Christ was scourged before crucifixion. The Romans carried the practice of flagellation further, perhaps, than any other nation. Horace tells of the nicety to which it was administered in his accounts of the "Ferula, the Scutica, and the terrible Flagellum."

The celebrated cases of Henry II, in England, and Miss Cadiere, in France, suffice as examples of the Middle Ages, while Austria, Russia, China, Turkey, and Siam at the present day apply the rod in various forms as a means of punishment. But it is far from my object to advocate whipping as a punishment in general or to approve the law as it exists in the State of Delaware to-day. The object is only to urge whipping as a remedy for the crime of wife beating, and in so urging I am in consonance with the doctrine laid down by James Fitzjames Stephens, the ablest judge that ever sat in an English criminal court, and one of the most learned writers on criminal law. In his history he says: "The view which I take of the subject would involve the increased use of physical pain, by flogging or otherwise, by way of secondary punishment. It should, I think, be capable of being employed at the discretion of the judge in all cases in which the offense involves cruelty in the way of inflicting pain or in which the offender's motive is lust. In each of these cases the infliction of pain is what Bentham calls a 'characteristic punishment.' The man who cruelly inflicts pain on another is made to feel what it is like. The man who gratifies his own passions at the expense of cruel and humiliating insult inflicted on another is most fearfully and shamefully humiliated." In 1874 the home office of England issued a circular requesting opinions whether flogging should be authorized in cases of assault, especially on women and children. There was a great unanimity of opinion that the law as it stood was insufficient, and that the penalty of flogging should be added to the list of sanctions. Lord Chief Justice Cockburn, Justices Blackburn, Meller, Lush, Quain, Archibald, Brett, Grove, Lord Chief Baron Kelly, and Barons Bramwell, Piggott, Pollock, Cleasby, and Amphlet were all of this opinion. Lord Coleridge and Mr. Justice Denman were hesitating, and Mr. Justice Keating, of all who sat upon the bench, was the only opponent of flogging.

The chairman and magistrates in sessions were, in sixty-four cases out of sixty-eight, in favor of whipping. The recorders of forty-one towns were likewise in favor of it, only three entering their protest against it. When, at the session of the legislature, a bill to establish the whipping post for wife beaters was introduced in the senate by the speaker he was flooded with letters from within and without the State in support of the bill, and copies thereof asked for even from Canada. The proposed act received the almost unanimous support of the public press. In the interrogatories sent to the several district attorneys the direct question of their opinion as to the establishment of the whipping post as a punishment was not asked for two reasons: First, in the agricultural counties the crime exists to a slight extent only, and the attorneys, probably in ignorance of its prevalence elsewhere, would naturally see no necessity for it; in the second place, the reasons for imposing whipping as a punishment solely for the crime of wife beating have but recently been given to the public. The following voluntary remarks, therefore, have double force as spontaneous opinions of the public prosecutors. The district attorney of Schuylkill County says: "There is a growing sentiment in this county in favor of your bill. Our judge has spoken favorably of it, and reminded a defendant, as he was about to sentence him, that he hoped that the day was not distant when wife beaters would be punished as directed in your bill." The district attorney of Westmoreland County adds: "As a rule, the same parties, in a year or so, turn up in court again for the same offense. The whipping post is the only adequate punishment for the offense." The district attorney for Cameron County testifies: "The law in its present condition is utterly powerless to prevent this crime. Summary conviction before a magistrate and the whipping post within an hour after the crime would, in my opinion, be a good way to prevent its reoccurrence." The district attorney of Adams County puts a P. S.: "Your proposed correction of this evil, when the case is clearly established, meets with my hearty approval." Forest County: "A law to flog wife beaters would be good." The judgment of the district attorney of Bradford is: "We ought to have the old whipping post in Pennsylvania, and nothing else will so effectually check this most dastardly crime."

The district attorney of Franklin writes: "I heartily favor the whipping post." Clearfield County, represented by district attorney, says: "In the writer's opinion, the Delaware whipping post would be a salutary preventive for this crime." The opinion of the experienced district attorney of Philadelphia, who presented 308 bills to the grand jury and convicted 80 brutes of this cowardly crime, is: "In my judgment, the reestablishment of the whipping post or some mode of corporal punishment, inflicted privately, would be more effective to reduce the number of wife beaters than the punishment of incarceration." Three grand juries of Philadelphia County recommended the passage of this bill to the legislature, and four called the attention of the public to the prevalence of the crime. The opinions of the judges of the court of common pleas of the State, on the advisability of whipping as a remedy for wife beating, are generally unknown to the speaker, but the mature judgment of the two judges longest in service on the Philadel-

phia bench—Judge Allison and Judge Ludlow (his junior but a few years)—both favored the proposed punishment.

It is a curious fact that the code of Delaware, which inflicts whipping for so many crimes, does not impose it for the offense of wife beating. We can therefore get no information from Delaware as to the efficacy of whipping in suppressing and preventing this particular crime, however potent it may be against others in that State.

Mr. BAKER. Mr. Chairman, I would like to ask a question of the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. Yes.

Mr. BAKER. Mr. Chairman, there was so much noise that I did not hear the names of those English judges, and I would like to know whether Mr. Justice Hawkes is included among them, because he has the reputation of being the most severe, the most vicious, and the most cruel judge, and I think he ought to be in that list.

Mr. ADAMS of Pennsylvania. I dare say that if he is constituted that way his horror of wife beating would be such that the gentleman will find him in the list.

Mr. BAKER. I should imagine that his desire to perpetuate force and to appeal to the desire for strength, for the worship of war, the worship of everything that is cruel, would make this law appeal to him. That is his reputation.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yielded to the gentleman for a question. I will ask him one. Do you favor wife beating?

Mr. BAKER. No, sir.

Mr. ADAMS of Pennsylvania. Thank you.

Mr. GAINES of Tennessee. What would you do with a man who hit a woman?

Mr. BAKER. But I do not favor your law or your proposed bill.

Mr. ADAMS of Pennsylvania. I am sorry to hear it. Probably after the gentleman has heard the balance of my argument and the remarks I hope to be allowed to extend, and he will read them, he may get some information, because I know he is fair; but, as I stated in reply to the gentleman, this is to tend toward domestic peace, and having just expressed his great interest in national peace, I am sure he will be in harmony with the measure.

Mr. BAKER. It is because I am very sure it will promote domestic war instead of peace that I am opposed to it.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I have endeavored to gather together some statistics of the District of Columbia, and I applied to the marshal's office, but unfortunately, owing to the shortness of time and as they have kept no records and most of these cases have been tried under the charge of simple assault, they could not furnish me with any accurate information, but the chief of police said hereafter he would keep an inventory of these particular crimes, because the department is thoroughly in favor of the measure, and he said that in his best judgment there are four or five cases a month of wife beating tried in the lower police courts here in this city.

In 1883 the legislature of Maryland passed a bill to punish wife beaters by whipping them, and the district attorney of Baltimore informed the speaker that after the first conviction the crime ceased as if by magic in that State. With this last unanswerable testimony I closed my argument in favor of the establishment of the whipping post for the offense of wife beating, feeling fully persuaded that the sentiment which undoubtedly exists to a certain extent against whipping as a punishment will, as did my own individual feeling, change when the facts are known, and when it is well understood that corporal punishment is to be inflicted solely in cases of wife beating.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LITTAUER. Mr. Chairman, I would ask that the Clerk now read the bill.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture at the arsenals, $348,000.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question. I notice that this first paragraph on page 5 appropriates the apparently large sum of $348,000 for the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for seacoast artillery practice, and that in the very next paragraph there is $77,000 appropriated for the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for mountain, field, and siege artillery practice. I wish to ask him whether there is any difference in the ammunition used for these two different kinds of practice or in the subcaliber tubes, or whether they could not well be tested at one time and possibly save a duplication of expense?

Mr. LITTAUER. Of course, the item of test is a small one. The main item of $348,000 is for practice with the great seacoast guns, what we call the large guns of 8, 10, and 12 inch caliber, together with the rapid-fire guns composing the seacoast batteries. The second item is an appropriation for ammunition for guns used by the Army in the field. It has nothing to do with coast fortification, and you will notice it reads for "mountain, field, and siege artillery." Now, in fact, we have but few mountain guns. We are just now beginning to manufacture a new type of field gun which is supposed to be the best in the world, but we have not yet any modern siege artillery. This sum came to us in one lump sum and we sought to divide that portion which applies to coast fortifications from that which properly applies to army field guns.

Mr. OLMSTED. I think probably the gentleman has satisfied my inquiry which was simply whether there was a duplication here which would result in an increased expense.

Mr. LITTAUER. They are of entirely different caliber.

Mr. OLMSTED. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper station, at the rate of $2.50 per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, $18,700.

Mr. OLMSTED. Making a proforma amendment for the purpose of asking the gentleman a question, I will inquire if the expenses of these officers referred to in this paragraph, already in the pay of the military branch of the Government, when away from their regular posts are not already provided for in appropriation for the military branch of the Government?

Mr. LITTAUER. There are no salaries attached to this item. It is merely for expenses.

Mr. OLMSTED. Are they not already under salary from the Government, and are there not provisions in the regular appropriation bills for the military department for their expenses, whether at or away from their regular posts?

Mr. LITTAUER. Not for this special character of expenses. The mileage has to come in in another way. This has been carried along for many years in this bill, allowing officers who are temporarily employed on ordnance duty at Sandy Hook proving grounds $2.50 a day.

Mr. OLMSTED. When they do that, as I understand it, they are already allowed, under the general law, for their expenses?

Mr. LITTAUER. They are allowed for mileage. The item is under the heading of "Proving grounds at Sandy Hook," which means that when officers are detailed from forts in New York Harbor or elsewhere and sent to Sandy Hook they provide them with this allowance of $2.50 a day for maintenance.

Mr. OLMSTED. The point I am making is that when an officer goes to New York or Philadelphia from Washington he gets his expenses in some way under the existing law.

Mr. BUTLER of Pennsylvania. He only gets his mileage.

Mr. LITTAUER. But this is for his maintenance.

Mr. BUTLER of Pennsylvania. Mr. Chairman, let me ask the gentleman from New York [Mr. LITTAUER] why the officer should be allowed a maintenance on this particular errand when he is not allowed it in other cases.

Mr. LITTAUER. The Government furnishes transportation, but he has to take care of himself when he is away from the place at which he usually gets his board and lodging.

Mr. BUTLER of Pennsylvania. Does he not have to provide his maintenance when he is in the barracks? He certainly does. He is not allowed a cent of compensation.

Mr. OLMSTED. He gets an allowance for maintenance whenever he is in the employ of the Government.

Mr. LITTAUER. It is temporary employment when officers are sent to the Sandy Hook proving grounds to test guns and ammunition, and like matters, and it has always been carried in this bill. The officers are there temporarily, and receive $2.50 a day as recompense for the additional expense they must incur by being sent away from their usual posts for a week or two weeks.

Mr. OLMSTED. I am not objecting to their getting their expenses, but this looks really like giving them additional compen-

sation at the rate of $2.50 a day. My colleague suggests that wherever they are in the service of the Government they get commutation for their rations.

Mr. BUTLER of Pennsylvania. In response to the suggestion made by the gentleman, I understand that an officer gets the commutation of quarters, but not of rations; that the enlisted man only gets rations.

Mr. PALMER. The Government does not furnish commutation to anybody. He gets his pay, forage, and rations, but no money.

Mr. LITTAUER. Think of the expense they must incur in going down to the Sandy Hook proving grounds and remaining two or three days.

Mr. PALMER. I am not objecting to that item. I only state what the custom is with reference to the payment of officers.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman from Pennsylvania——

Mr. PALMER. I would be very pleased to afford you all the information that I can.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman to say that the officer is allowed his rations?

Mr. PALMER. Certainly; he gets his commutation for rations.

Mr. BUTLER of Pennsylvania. Is it so in the Navy?

Mr. PALMER. I do not know anything about the Navy. You are on the Naval Committee and you ought to know.

Mr. BUTLER of Pennsylvania. Is it so in the Marine Corps?

Mr. PALMER. I do not know.

Mr. BUTLER of Pennsylvania. The Marine Corps get the same pay as the Army, and not one cent is allowed to the officer.

Mr. PALMER. You are a sailor and I am a soldier.

Mr. LITTAUER. You are mistaken in your statement. The officer is allowed commutation in the Army.

Mr. MANN. He gets commutation of quarters.

Mr. BUTLER of Pennsylvania. He gets commutation of quarters, and that is all he gets.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw the pro forma amendment?

Mr. OLMSTED. I withdraw the amendment.

The Clerk read as follows:

SUBMARINE MINES.

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments, for the purchase of the necessary machinery, tools, and implements for the repair shop of the torpedo depot at Fort Totten, N. Y., and for extra-duty pay to soldiers necessarily employed for periods not less than ten days on work in connection with the issue, receipt, and care of submarine mining material at the torpedo depot, $300,000.

Mr. OLMSTED. I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question relating to these lines beginning on line 2, and ask him why, if these men have once in a while to do a little work, they should be allowed extra pay?

Mr. LITTAUER. The law says that if soldiers are on extra duty for work in connection with submarine mining for a longer period than ten days, they shall receive extra pay, ranging from 35 to 50 cents per day.

Mr. OLMSTED. These are soldiers of the general Army, and if the law provides for that, is it not provided for in the army appropriation bill?

Mr. LITTAUER. The army appropriation bill expressly excludes this provision.

Mr. OLMSTED. Then there is no duplication?

Mr. LITTAUER. None whatever.

Mr. MANN. May I ask the gentleman a question?

Mr. LITTAUER. Certainly.

Mr. MANN. This bill provides for submarine work and mines?

Mr. LITTAUER. Yes, sir.

Mr. MANN. I would like to ask the gentleman from New York if there is any provision in the bill anywhere for the building of submarine boats?

Mr. LITTAUER. None whatever.

Mr. MANN. Is there any likelihood to be such a provision in the bill when it becomes law, if the gentleman will risk making a prophecy?

Mr. LITTAUER. I would not care to enter the domain of prophecy, but, if I maintain good health, there will be none in this year's bill, I think.

Mr. MANN. I hope the health of the gentleman will remain good.

Mr. McCALL. What amount was recommended for submarine mines?

Mr. LITTAUER. The estimate was for $300,000, and we allowed the full estimate. I should very much have liked to have seen the estimate much larger.

Mr. McCALL. I was impressed with the gentleman's remarks upon that branch of the case, and I was curious to see whether they had reduced the amount appropriated below the estimate.

Mr. LITTAUER. We allowed the full amount of the estimate. I believe that $1,000,000 instead of $300,000 could well have been appropriated. It would have been good economy and to the best interests of the country.

Mr. McCALL. It seems so to me.

Mr. BUTLER of Pennsylvania. I should like to ask the gentleman a question.

Mr. LITTAUER. Certainly.

Mr. BUTLER of Pennsylvania. If I recollect rightly, we made an appropriation for extra services of $2.50 a day to officers who might be engaged upon other service than those performed in the barracks. Am I right about that?

Mr. LITTAUER. You mean officers. This appropriation of $2.50 a day pertains exclusively to work at the proving grounds at Sandy Hook, away off there at the extreme portion of the Hook.

Mr. BUTLER of Pennsylvania. This would not carry an appropriation for these officers?

Mr. LITTAUER. None whatever.

Mr. BUTLER of Pennsylvania. All right.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

FORTIFICATIONS IN INSULAR POSSESSIONS.

For construction of seacoast batteries in the insular possessions, $700,000.

Mr. BRUNDIDGE. Mr. Chairman, I move to strike out lines 8 and 9, providing for the construction of seacoast batteries in insular possessions, $700,000.

My purpose in making this motion is because I believe this to be the most extravagant item contained in this bill, and by far so. The facts are that if it shall be the policy to be determined by this House that this Government shall fortify what is known as our "insular possessions," it is an undertaking involving the expenditure of untold millions of dollars. How much no member of this committee knows, and no Member of this House knows. How much it will cost the War Department itself confesses it does not know, and of which it has made no estimate. The estimates provided and that were submitted to this committee for this bill were $2,600,000, and the committee have reported $936,000.

Now, it is apparent to the committee, and may be apparent to gentlemen of this House, that even if the full amount of the estimate had been allowed by the committee, and $2,600,000 had been appropriated, that sum would only have begun the work of fortification of these insular points, such as Manila, Subig Bay, and other places. Now, if this would be but a beginning of the work, in view of the fact that it is unknown what it will take to complete it, why give this small sum of $936,000 to begin a work which it practically does not begin; a work that no man knows how much it is going to cost to complete, and upon which nobody can give any information on the subject? It is simply asking for an estimate and allowing something to continue a policy that we have not fully determined upon, and nobody knows what amount of money it will take to complete.

Then, in the next place, gentlemen, I take it that every man must have some doubt as to whether or not it shall be the policy of the United States Government to continue to hold on to its insular possessions for all time to come and to fortify them and defend them as a part of the United States. I for one have had the hope, and I yet entertain the hope, that at some time in the future the United States will be able to rid herself of these possessions that have proven so far—and, in my judgment, will continue to prove—a burden and a tax upon this country and nothing more. I entertain the hope, Mr. Chairman, that we may at some time, with credit to ourselves, dispose of and dispense with our entire insular possessions. And in view of the fact that this appropriation would simply begin—in fact, would not begin—the expenditures that this Government would be compelled to make; in view of the fact that it would accomplish no good at this time; in view of the fact that no good result can be pointed out that would come from it; in view of the fact that it would fortify nothing, that it would protect nothing; that it simply commits this Government to a policy that I for one am not willing to say we shall commit ourselves to in advance of knowing what the cost will be—for

these reasons I move that this appropriation be stricken out of this bill. Hence I express the hope that this amendment may be adopted. If so, we will have taken the first step in the direction of true economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRUNDIDGE], to strike out lines 8 and 9.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BRUNDIDGE demanded a division.

The committee divided; and there were—ayes 45, noes 38.

Mr. LITTAUER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. BRUNDIDGE and Mr. LITTAUER.

The committee again divided; and the tellers reported—ayes 59, noes 74.

Accordingly the amendment was rejected.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which materia. shall be admitted free of duty.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

Mr. BAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. BAKER] rise?

Mr. BAKER. I rise for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. BAKER. I move to strike out all the words in lines 11 and 12, after the word "abroad." In other words, I move to strike out the words "which material shall be admitted free of duty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 11, after the word "abroad," strike out the words "which material shall be admitted free of duty."

Mr. BAKER. Mr. Chairman, I make this motion for the purpose of asking the gentleman in charge of the bill [Mr. LITTAUER] a question. Do I understand that these words have been incorporated in this bill at the request of the Administration—the Secretary of War?

Mr. LITTAUER. I believe all the Administrations since the Board of Ordnance and Fortifications has been in existence have practically recommended the same verbiage.

Mr. BAKER. This is the recommendation of the Secretary of War?

Mr. LITTAUER. Yes; of the present Secretary of War and also past ones.

Mr. BAKER. And I understand, Mr. Chairman, that the Secretary of War is a member of the Republican Administration, which advances the proposition that the foreigner pays the tax. Now, why are you going to make this present to the foreigner? If the foreigner pays the tax levied on goods brought into the United States, why does the Republican Administration, which is so assertive of its solicitude for American labor, favor the removal of this tax? Why does it not tax the foreigner? Why does it not compel the foreigner to pay that tax into the American Treasury and thus relieve the American people of so much taxation? Will the gentleman kindly answer me that question?

Mr. LITTAUER. Oh, this is not the time for that kind of a discussion.

Mr. BAKER. Oh, yes, it is. It is always the proper time when you people are shown up in the fraud of your contention that the foreigner pays the tax. [Laughter.] That is always appropriate. Now, I want to know does the Republican party yet defend the proposition that the foreigner pays the tax? And if it does, how can it consistently come here and say that it is going to remit from the foreigner the tax that they claim he pays on goods brought into the United States?

I have asked that question, but the Republican side of this House stand mute. I withdraw my amendment, Mr. Chairman.

And then, on motion of Mr. LITTAUER, the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. LITTAUER. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was passed.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. DALZELL (at 1 o'clock and 45 minutes p. m.), the House, under the order previously adopted, adjourned until Monday, January 9, 1905.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for service of the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter transmitting the annual report of the Georgetown Barge, Dock, Elevator and Railway Company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Attorney-General, transmitting a copy of his report for the year 1904—to the Committee on the Judiciary.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fannie Solari, heir of Emanuel M. Solari, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16570) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, reported the same without amendment, accompanied by a report (No. 3230); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15233) granting a pension to Mattie M. Hawkins—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17102) to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902—Committee on Claims discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 17245) authorizing the Secretary of the Interior to sell a tract of land in the south half of the Colville Indian Reservation—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 17246) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 17247) to divide the State of Virginia into three judicial districts, and for other purposes—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 17248) to increase the limit of the appropriation for a public building at Deadwood, S. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17249) to provide for a collateral inheritance tax, and for the fees, costs, and charges of the administration of the estates of decedents in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GILLETT of California: A bill (H. R. 17250) providing for the construction of irrigation and reclamation works in certain lakes and rivers—to the Committee on Irrigation of Arid Lands.

By Mr. BOWIE: A bill (H. R. 17251) to provide for circuit and district courts of the United States at Selma, Ala.—to the Committee on the Judiciary.

Also, a bill (H. R. 17252) concerning a public building in Selma, in the State of Alabama—to the Committee on Public Buildings and Grounds.

By Mr. HEDGE: A bill (H. R. 17253) granting an appropriation for the repair and strengthening of the Flint Creek to Iowa River levee and increase and improvement of its outlets—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 17254) to amend section 13 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899—to the Committee on Naval Affairs.

By Mr. MAYNARD: A bill (H. R. 17255) relating to the salaries of the President and Vice-President of the United States, and for paying the President a salary after his retirement from office—to the Committee on Appropriations.

Also, a joint resolution (H. J. Res. 189) for the survey of Blackwater River, in Virginia and North Carolina—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 190) for the survey of the Warwick River, in Virginia—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 17256) granting an increase of pension to John P. Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17257) granting an increase of pension to Daniel Heinz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17258) granting a pension to Mary Duran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17259) granting a pension to Louis Bauman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17260) to correct the military record of Cornelius Hardin—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 17261) granting a pension to Mary A. Gibson—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 17262) granting an increase of pension to Jennie N. Jones—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17263) granting a pension to Taylor Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17264) for the relief of the heirs of Susan Gholson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17265) for the relief of James Barron, of Cullman County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 17266) for the relief of Isaac Chadwick, of Dekalb County, Ala.—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17267) granting an increase of pension to George Spangler—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17268) granting a pension to Ella Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17269) granting a pension to Nicholas Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17270) for the relief of Miss Lou Jahn—to the Committee on Military Affairs.

Also, a bill (H. R. 17271) directing the issue of five coupon bonds of $100 each in lieu of lost bonds drawn in favor of James Mitchell—to the Committee on Ways and Means.

By Mr. DRAPER: A bill (H. R. 17272) granting an increase of pension to Chauncey L. Guilford—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 17273) granting an increase of pension to James J. Furlong—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 17274) granting a pension to Louis A. Lavalley—to the Committee on Invalid Pensions.

By Mr. FIELD: A bill (H. R. 17275) granting an increase of pension to Carmen Frazee—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 17276) for the relief of the Flat Creek Baptist Church, of Pettis County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 17277) for the relief of Central College, at Fayette, Mo.—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 17278) for the relief of the heirs at law of Capt. John Lewis—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 17279) for the relief of Ashton Fletcher—to the Committee on War Claims.

By Mr. KLINE: A bill (H. R. 17280) granting an increase of pension to Ogden Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17281) granting an increase of pension to William Kress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17282) granting an increase of pension to Norman H. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17283) for the relief of Benjamin F. Simmons—to the Committee on War Claims.

By Mr. KNAPP: A bill (H. R. 17284) granting a pension to George Mottram—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 17285) for the relief of Chester Bethel—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 17286) to remove the charge of desertion from the military record of John W. Curtis—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 17287) granting an increase of pension to Daniel G. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17288) for the relief of William Edward Bailey—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 17289) granting an increase of pension to Lydia A. Wood—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17290) granting an increase of pension to John W. Grove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17291) granting an increase of pension to John T. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17292) granting an increase of pension to John W. Diggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17293) granting an increase of pension to Joseph Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17294) granting an increase of pension to Albert G. Lovell—to the Committee on Invalid Pensions.

By Mr. PINCKNEY: A bill (H. R. 17295) granting an increase of pension to John T. Philips—to the Committee on Pensions.

Also, a bill (H. R. 17296) granting an increase of pension to Edward J. Morriss—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 17297) granting an increase of pension to Joseph C. Prosser—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17298) for the relief of Jesse H. Dickerson—to the Committee on War Claims.

Also, a bill (H. R. 17299) for the relief of Jesse H. Dickerson—to the Committee on War Claims.

Also, a bill (H. R. 17300) granting a pension to Charles H. Penoyer—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 17301) granting an increase of pension to George B. D. Alexander—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17302) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager—to the Committee on the District of Columbia.

By Mr. SNOOK: A bill (H. R. 17303) granting a pension to Ida M. Long—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 17304) granting an increase of pension to William Dustin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17305) granting an increase of pension to James M. Caswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17306) granting an increase of pension to George Dallison—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 17307) for the relief of the heirs of Washington Dorney, of Maryland—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 17308) granting an increase of pension to William M. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17309) granting an increase of pension to Henry F. Turner—to the Committee of Invalid Pensions.

Also, a bill (H. R. 17310) granting an increase of pension to Libbie D. Lowrey—to the Committee on Pensions.

Also, a bill (H. R. 17311) granting an increase of pension to Adam W. Grassley—to the Committee on Pensions.

Also, a bill (H. R. 17312) granting a pension to Eva B. Koch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17313) granting a pension to Kittie C. Beach—to the Committee on Pensions.

Also, a bill (H. R. 17314) granting a pension to Maria Holloway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17315) granting a pension to Jane C. Van Akin—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 17316) for the relief of Samuel T. Townsend—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17317) granting an increase of pension to N. G. Heard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17318) granting an increase of pension to James M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) granting an increase of pension to Fredrick Shinaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17320) granting an increase of pension to William E. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17321) granting an increase of pension to William Clark—to the Committee on Pensions.

Also, a bill (H. R. 17322) granting an increase of pension to Marshal M. Angleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17323) granting an increase of pension to John Lemly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17324) granting an increase of pension to John Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17325) granting an increase of pension to Albert H. Noble—to the Committee on Pensions.

Also, a bill (H. R. 17326) granting a pension to Mary Ann Getting—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17327) granting a pension to James J. Sim—to the Committee on Invalid Pensions.

By Mr. YOUNG (by request): A bill (H. R. 17328) for the relief of George Nottle—to the Committee on War Claims.

Also, a bill (H. R. 17329) granting an increase of pension to Abraham Roberts—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Smith, Young & Co., of Lansing, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of the Pennsylvania Dairy Union, favoring bill H. R. 8678—to the Committee on Agriculture.

By Mr. BADGER: Papers relating to pension of Tillman Gaff, of Columbus, Ohio—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Petition of the Chamber of Commerce of Waycross, Ga., favoring removal of the tax on alcohol used for mechanical purposes—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of heirs of Philip Roberts, late of Grainger County, Tenn., favoring reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Stephen Gross, of Claibourne County, Tenn., favoring reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. CASTOR: Petition of citizens of Philadelphia, Pa., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petition of the business men of Lafayette, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of shippers of Lowell, Ind., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Papers to accompany bill H. R. 17138, to increase the pension of J. Drummond—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17139, to grant an increase of pension to George W. Jennings—to the Committee on Pensions.

Also, papers to accompany bill H. R. 17137, to grant a pension to Charles W. McMullen—to the Committee on Invalid Pensions.

Also, petition of William Raubinger, proprietor of Everton Roller Mills, of Everton, Mo., and others, relating to tariff on wheat—to the Committee on Ways and Means.

Also, papers to accompany bill H. R. 15917, to increase the pension of Oliver P. Hughes—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers supporting bill H. R. 16076, for relief of estate of Lucinda Muse Thomas—to the Committee on War Claims.

By Mr. DRAPER: Petition for legislation against unjust discrimination in tariff rates—to the Committee on Ways and Means.

By Mr. FIELD: Papers to accompany bill for increase of pension for Carmen Frazee—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of Union League Club of New York, asking investigation of working of present tariff act—to the Committee on Ways and Means.

Also, resolution of the Interstate Commerce Law Convention, favoring a law against unjust discrimination in tariff rates—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Rockford (Ill.) Manufacturers and Shippers' Association, against pooling of railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Electric Appliance Company, of Chicago, in favor of increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Republican Club of the City of New York, relative to southern representation in Congress and the electoral college—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HAMLIN: Petition of John F. Meyer & Sons et al., in support of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. HASKINS: Petition of Division No. 106 of the Brotherhood of Locomotive Engineers, of Bellows Falls, Vt., for enactment of bill H. R. 13354, granting pensions to locomotive engineers employed in military service on railroads from 1861 to 1865—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of A. L. Heckman et al., favoring the Conner bill, for increase of postage on packages by rural free delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of Forest City Creamery Company, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLIDAY: Petition of subdivision of Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., favoring legislation for competent engineers—to the Committee on Interstate and Foreign Commerce.

Also, petition of subdivision of Division No. 25, Brotherhood of Locomotive Engineers, of Terre Haute, Ind., for legislation against excessive time of work for engineers—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of Young People's Society of Christian Endeavor, for legislation favoring abolition of war—to the Committee on Foreign Affairs.

By Mr. JONES of Virginia: Papers to accompany bill for the relief of Ashton Fletcher—to the Committee on War Claims.

By Mr. KLINE: Petition in support of a bill granting relief to Benjamin F. Simmons—namely, two months' extra pay—to the Committee on War Claims.

By Mr. KNAPP: Papers to accompany bill granting pension to George Mottram—to the Committee on Pensions.

By Mr. LACEY: Petition for protection of Indians in Oklahoma from sale of intoxicants—to the Committee on the Territories.

Also, petition favoring Conner rural-route bill for reduction of postage on packages—to the Committee on the Post-Office and Post-Roads.

Also, petition favoring increased power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of citizens of Chicago, Ill., favoring investigation of condition in the Kongo Free State—to the Committee on Foreign Affairs.

Also, papers to accompany bill H. R. 17060—to the Committee on Pensions.

By Mr. MAYNARD: Petition of B. J. Rodgers & Co. et al., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr MAHON: Petition of D. L. Kluck et al., favoring legislation restricting immigration—to the Committee on Immigration.

By Mr. MOON of Tennessee: Papers to accompany bill for an increase of pension to Lydia C. Wood—to the Committee on Invalid Pensions.

By Mr. OTJEN: Papers to accompany bill for relief of George Notte—to the Committee on War Claims.

By Mr. PINCKNEY: Papers relating to increase of pension for John T. Phillips—to the Committee on Pensions.

Also, papers relative to increase of pension for Edward J. Morris—to the Committee on Pensions.

By Mr. PORTER: Petition of the Carriage Builders' Association of Wilmington, Del., favoring legislation empowering the Interstate Commerce Commission to determine freight rates—to the Committee on Interstate and Foreign Commerce.

Also, remonstrance against proposed reduction in tariff on

tobacco and cigars from the Philippine Islands—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Papers to accompany bill for relief of Joseph C. Prossler—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of John H. Caton, of Mount Pisgah, Ind.—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Carriage Builders' National Association, for legislation empowering the Interstate Commerce Commission to change freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Papers to accompany bill for relief of John Winemiller—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill for relief of Ida M. Long—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: Petition of 50 citizens of Fenton, Mich., urging legislation against polygamy—to the Committee on the Judiciary.

Also, petition of W. H. Magee, of Strobridge, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Burnett et al., of Rose, Mich., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Hartland, Mich., against the enactment of legislation favoring the domestic parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pontiac Grange, No. 283, favoring the Grout bill—to the Committee on Agriculture.

Also, petition of Oxford Grange, No. 395, favoring the Grout bill—to the Committee on Agriculture.

Also, petition of George B. D. Alexander, for an increase of pension—to the Committee on Pensions.

By Mr. STERLING: Papers to accompany bill H. R. 16422, for the relief of Edward Cook—to the Committee on Claims.

Also, papers to accompany bill H. R. 16622, for the relief of William H. Boyle—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16621, for the relief of William Meredith—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16254, for relief of Lydia R. Howard—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 9, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

IRRIGATION IN CALIFORNIA AND ARIZONA.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, information relative to the use of the waters of the Lower Colorado River for the irrigation of arid lands in the State of California and the Territory of Arizona; which, with the accompanying paper, was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Mount Horeb Methodist Episcopal Church South, of Fauquier County Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Clayton G. Landis, administrator of the estate of David B. Landis, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, trasmitting the final ascertainment of the electors for President and Vice-President for the States of Washington, New Hampshire, and South Carolina; which, with the accompanying papers, were ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest; and

A bill (H. R. 17094) making appropriations for fortifications and other woks of defense, for the armament thereof, for the procurement of heavy ordnance for trial, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. GAMBLE presented a petition of the Business Men's Club of Deadwood, S. Dak., and a petition of the Retail Implement Dealers' Association of Alexandria, S. Dak., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Woman's Christian Temperance Union of Gary, S. Dak., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Volin, S. Dak., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. J. A. Arbuthnot, of Brookfield Mo., and a petition of sundry citizens of Linn County, Mo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Odell, of the Woman's Christian Temperance Union of Mount Sterling, and of sundry citizens of Chrisman, all in the State of Illinois, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying that an investigation be made into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. MCENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation for the improvement of the navigation of the Sabine River from its mouth to Logansport, in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 15,

Memorializing Congress to make appropriations for the improvement of the navigation of the Sabine River from its mouth to Logansport, La.

Whereas in the opinion of this body the Sabine River Valley and adjacent territory would be greatly benefited by the making navigable this river: Therefore, be it

Resolved by the legislature of the State of Louisiana, That the Congress of the United States is hereby memorialized in the interest of navigation, commerce, and the general welfare of the people of the Sabine River Valley to secure an appropriation for survey and improvement of said Sabine River; that our Senators and Representatives in Congress be urged to use their influence to this end: Therefore, be it

Resolved, That a copy of this resolution, duly certified, be forwarded to our Senators and Representatives in Congress.

R. H. SNYDER,
Speaker of the House of Representatives.

P. M. LAMBREMONT,
President pro tempore of the Senate.

Approved.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

Mr. MCENERY. I present a concurrent resolution of the legislature of Louisiana, favoring an appropriation to complete the construction of the locks on Bayou Plaquemine at a point where it empties into the Mississippi River. I ask that the resolution be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 6, memorializing Congress to complete the construction of the locks on Bayou Plaquemine at the point where the aforesaid bayou empties into the Mississippi River.

Whereas in the opinion of this body the Teche Valley would be greatly benefited by the completion of the locks now in the course of construction on Bayou Plaquemine near the town of Plaquemine, parish of Iberville: Therefore be it

Resolved by the legislature of the State of Louisiana, That the Congress of the United States is hereby memorialized in the interest of